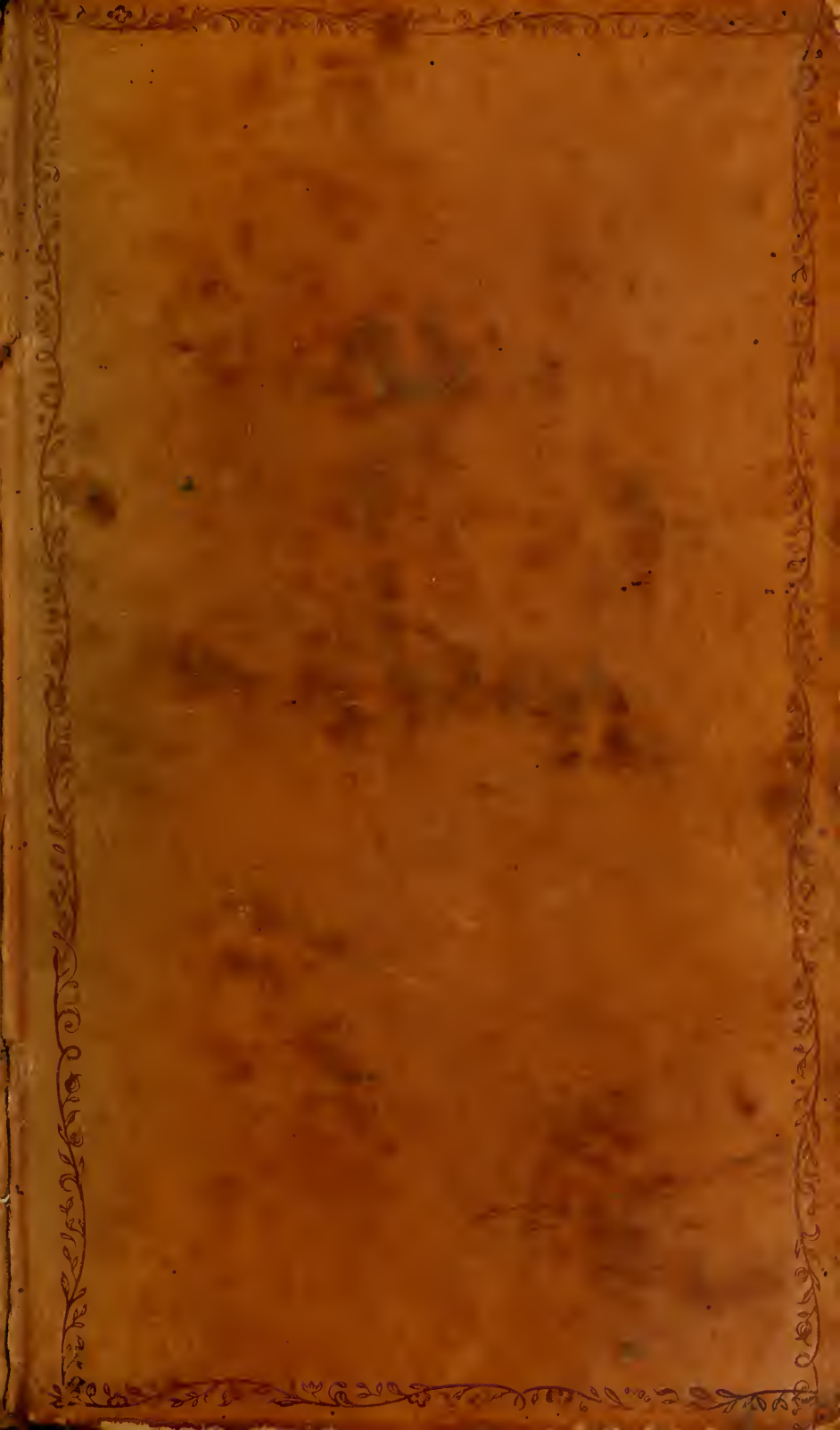






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PLEAS OF THE CROWN

IN MATTERS

CRIMINAL AND CIVIL :

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APPEALS,
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and PLEADINGS thereupon

With a great Variety of PRECEDENTS under many other Heads,
relating to the CROWN LAW.

The Whole collected

By the Late Sir JOHN TREMAINE, Kt. Serjeant at Law

Digested and Revised,

By the Late Mr. JOHN RICE, of Furnivals Inn.

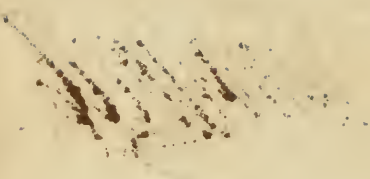
And Translated into English,

By THOMAS VICKERS, Esq. Barrister at Law.

With a new INDEX.

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CHURCH-LANE, 1793.



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1793

135F 19 Nov 53

TO
THE HONOURABLE
WILLIAM DOWNES,
ONE OF THE JUSTICES
OF HIS MAJESTY'S COURT
OF
KING'S BENCH
IN
IRELAND;
THIS WORK
IS,
WITH HIS PERMISSION,
RESPECTFULLY DEDICATED,
by his obedient,
obliged and
humble servant,
THOMAS VICKERS.

748853

P R E F A C E.

TH E Editor presents to the Professors of the Law, the translation of a book of Entries of established reputation, which he trusts will be found to be faithful and accurate. In it he has preserved the paging of the original; as well to facilitate collation, as for the sake of uniformity in citation. He has divided the work into two parts, and annexed a new index to each; he has introduced a few notes at the end of some of the Precedents, in addition to those which they have in the original; and, wherever he discovered, what appeared to him to be any error or defect, he has been careful to point it out by a marginal note, stating also where necessary, what he conceived to be the proper amendment or addition. He hopes that the great labour bestowed by him upon this work, is some small claim to the favour and protection of his readers. Just censure he ought not, and does not wish to avert: but he trusts that the liberal and ingenuous will shield him from undeserved condemnation.

DUBLIN, *April* 20th. 1793.

E R R A T A.

Page

- 8, l. 31, dele *and* after *called*
 9, l. 9, for *O*, read *P*.
 for *O*, read *P*.
 13, for *O*, read *P*.
 19, for *O*. read *P*.
 11, l. 14, read *said* before *lady*.
 15, dele the word *said*
 13, l. 4, for *Banqury*, read *Banbury*
 27, after *the* insert *said*
 17, l. 10, after *the* insert *said*
 before *collar*- insert *said*
 18, before *kill* insert *did*
 41, after *justice* add *s*
 43, after *him* add *self*
 18 l. 45, for *and* read *she*
 19 l. 24, for *comes* read *come*
 20 l. 4, for *made* read *assigned*
 20, for *made* read *assigned*
 52, after *right* insert *and*
 22, l. 22, for *he* read *the*
 24, l. 6, for *county* read *country*
 48, (beginning the line) af-
 ter *that* insert *the*
 26 l. 50, for *comes* read *come*
 51, after *aforsaid* insert *as*
 31, l. 11, for *nex* read *next*
 3d marginal note, for *juratorum*
 read *juratores*
 32, l. 40, (at the end) dele *to*
 39, l. 27, after *his* insert *said*
 56, l. 18, for *boing* read *being*
 31, after *subornation* add &c.
 57, l. 41 for *li* read *it*
 44, for *F* read *S*
 67, last line but 4, after *prayer* add *s*
 94 In the margin, before *women*,
 read *the*
 96, l. 8, dele *and*
 105, margin (the king against Cham-
 berlaine) for *Information*
 read *Indictment*
 124, l. 48, for *county* read *city*
 128, l. 16, aft. *Jeffreys* insert *for* 10cl.

Page

- 130, l. 31, for *was* read *hath been*
 37, for *was* read *hath been*
 134, l. 31, for *publsh* read *publick*
 137, last l. but 8, dele *at*
 139, l. 11, for *Thomas* read *John*
 140, l. 25, for *security* read *seizure*
 149, l. 19, after *Mary* insert *I*
 175, l. 26, dele *s* in *conventicles*
 184, l. 27, for *I* read *S*
 38, after *faciatis* insert *of*
 185, l. 23, for *Edward* read *Edmu*
 38, for *Edward* read *Edmu*
 193, l. 5, after *king* insert *his crow*
 and *dignity*
 198, l. 27, for *in* read *great*
 200, l. 1 for *where* read *when*
 201, l. 15, for *where* read *when*
 20, for *and others* read &c.
 204, l. 24, for *on* read *in*
 219, l. 40, after *justice* insert *to*
 220, l. 5, for *Aldick* read *Abdick*
 224, l. 37, for *them* read *him*
 for *their* read *his*
 244, l. 13, (margin) for *dicharg*
 read *charged*
 248, l. 11, after *attorney* insert *gene*
 254, l. 25, for *upou* read *upon*
 273, l. 18, (margin) for *counseil*
 read *counsellor*
 274, l. 2, for *hadns* read *hands*
 276, l. 31, for *first or* read *nor*
 281, l. 28, for *fellow* read *fellowes*
 287, l. 21, dele *first said* in the li
 300, last l. but 6 dele *ment* in t
 beginning of the line
 310, l. 51, after *who* read *is*
 314, l. 38, for *verif* read *verify*
 320, l. 9, dele *y* at the end of the li
 338, l. 7, for *your* read *our*
 8, for *our* read *your*
 346, l. 16, after *then* insert *were*
 348, l. 2, for *cf* read *and*
 349, l. 25, for *at* read *of*

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PLEAS of the CROWN, * P. I.

IN

Matters CRIMINAL and CIVIL.

Indictments for High Treason.

To wit. **T**HE jurors for our lord the king, upon their oath present, that *T. H.* late of, &c. in the county aforeſaid, &c. not having the fear of God in his heart. nor weighing the duty of his allegiance, but being moved and ſeduced by the inſtigation of the devil, and intirely withdrawing the love and true obedience, which a true and faithful ſubject of our lord Charles, by the grace of God of England, Scotland, France, and Ireland, king, defender of the faith, &c. ſhould, and of right ought to bear towards the ſaid lord the king, and deviſing, and as much as in him lay intending, to diſturb the peace and public tranquillity of this kingdom of England; on the 10th day of Auguſt, in the 20th year of the reign of the ſaid lord now king of England, &c. at Silſerton, in the county aforeſaid, traiterouſly did compaſs, imagine, and intend to raiſe and levy war, rebellion, and inſurrection againſt the ſaid lord the king, within this kingdom of England; and to fulfil and bring to effect, his ſaid treaſons, imaginations, and intentions aforeſaid, he, the ſaid *T. H.* afterwards, to wit, on the ſaid 10th day of Auguſt, in the twentieth year aforeſaid, with force and arms, &c. at S. aforeſaid, in the county aforeſaid, with a great multitude of perſons, to the jurors aforeſaid unknown, to wit, to the number of ten perſons armed and arrayed in a warlike manner, to wit, with drums, trumpets,

Indictment
for levying
war againſt
the King.

25 Ed. 3.
Stat. 5.C.2.

A

piftols,

Indictments for High Treason.

pistols, staves, blunderbusses, swords, and other arms, as well offensive as defensive, being then and there unlawfully and traitorously assembled and gathered, against the said lord the king, at S. aforesaid, in the county aforesaid, on the 10th day of August, in the 20th year aforesaid, traitorously did prepare, levy, and ordain public war against the said lord the king, his supreme and undoubted lord, against the peace of the said lord the king, his crown and dignity, and also against the form of the statute in such case made and provided.

* P. 2.

* REX v. AYLIFFE.

Michaelmas, 36th Charles II.

Indictment
for conspi-
ring to de-
pose the
King and
murder him

London, } **T**HAT John Ayliffe of, &c. as a false traitor
To wit. } against the most illustrious and most excellent
Prince, our lord Charles, by the grace of God, king of, &c. and
his natural lord; not having the fear of God in his heart, nor
weighing the duty of his allegiance, but being moved and se-
duced by the instigation of the devil, and intirely withdrawing
the love and true and due obedience, which a true and faith-
ful subject of the said lord the king towards the said lord the
king should, and of right ought to bear, and as much as in him
lay, intending to disturb the peace and common tranquility of
this kingdom of England, and to move and excite war and re-
bellion against the said lord the king, and to subvert the go-
vernment of the said lord the king in this kingdom of England,
and to depose and deprive the said lord the king of his royal
title, honour and name, and of the imperial crown of his king-
dom of England, and to bring and put the said lord the king to
death and final destruction, on the 2d day of March, in the
35th year of the reign of the said lord Charles the 2d, now
king of England, and at divers other days and times, as well
before as after, at the parish, &c. maliciously and traitorously,
with divers other traitors, to the jurors aforesaid unknown,
did conspire compass, imagine, and intend, not only to deprive
and depose the said lord the king his supreme lord of his royal
estate, title, power, and government, but also the said lord the
king to kill, and to bring and put to death, and to alter,
change, and entirely subvert the antient government of this
kingdom of England, and to cause and procure a miserable
slaughter

Indictments for High Treason.

slaughter among the subjects of the said lord the king, through-
 out his whole kingdom of England, and to move and levy war, insurrection, and rebellion against the said lord the king, within this kingdom of England, and to fulfil, perfect, and bring to effect, his said most wicked and traitorous contrivings, imaginations and purposes, he the said John Ayliffe as a false traitor, then and there, and at divers other days and times, as well before as after, maliciously, traiterously and advisedly did assemble himself with, meet and consult, with the other traitors as aforesaid, to the jurors aforesaid unknown, and with the same did treat of and concerning the executing and fulfilling their said treasons and traitorous compassings, imaginations and purposes as aforesaid; and that the said *J. A.* as a false traitor, maliciously, traiterously and advisedly then and there as aforesaid, and at divers other days and times, as well before as after, did assume upon himself, and to the aforesaid other traitors did promise that he would be aiding and assisting in the execution of their aforesaid treasons, and traitorous compassings, imaginations and purposes, and in procuring of arms and armed men to fulfil and bring to effect their said treasons and traitorous compassings, imaginations and purposes; and to fulfil and bring to effect his said most wicked treasons, compassings, imaginations and purposes as aforesaid, * he the said *J. A.* as a false traitor, maliciously, traiterously and advisedly then and there did procure and prepare certain arms, to wit; blunderbusses, carabines and pistols, against the duty of his allegiance, against the peace of our said Lord the now King his crown, &c. and also against the form of the statute, &c.

Overt acts, treating with other traitors, &c.
 Promising his assistance, and to procure men and arms.
 P. 3.
 And actually procuring arms.

The King v. Mary Speke.

Hillary, 4th. James II.

Indictment.

Somerſet, **T**HAT whereas James Scott, who was lately called To wit. or named by the name of James Duke of Monmouth, and divers other false traitors, to the jurors aforesaid unknown, not having the fear of God in their hearts, nor weighing the duty of their allegiance, but being moved and seduced by the instigation of the devil, and entirely withdrawing the love and true and due obedience, which true and faithful subjects of our lord James the 2d now king of England, towards the said lord the king, should and of right ought to bear, and devising and as much as in them lay intending to disturb the peace and public tranquillity of this kingdom of England, on the

For aiding and assisting the Duke of Monmouth, and others in open rebellion against the King.

A 2

day

Indictments for High Treason.

day of in the year, &c. at &c. in the county, &c. trait-
erously had compassed, imagined and intended not only intire-
ly to depose and disinherit the said lord the king their supreme
and natural lord of his royal estate, title, power and govern-
ment, but also to bring the said lord the king to death and
final destruction, and to levy and raise against the said lord
the king, war, rebellion and insurrection, within this realm
of England, and in order to fulfil, perfect, and bring to effect
their said treasons, conspiracies and imaginations, he the said
James Scott who was lately called or named by the name of
James Duke of Monmouth, and the said divers other traitors to
the jurors aforesaid unknown, afterwards to wit, on the
day of in the year, &c. and in the county aforesaid, with a
great multitude of persons, to the jurors aforesaid unknown,
to the number of 4000 persons at least, armed and arrayed in
a warlike manner; to wit, with colours, drums, bills, scythes
and guns; and with other arms as well offensive as defensive;
then and there unlawfully and traiterously had collected and
assembled themselves against the said lord the king their su-
preme, true, natural and undoubted lord, and at *Ilminster*, in
the county aforesaid, on the day aforesaid, in the year aforesaid, had traiterously prepared, levied and ordained public
war against the said lord the now king, against the duty of
their allegiance, and against the peace of the said lord the
now king, his crown and dignity, &c. And that Mary
Speke, the wife of George Speke, late of *Whitelackington*,
in the county aforesaid, Esq. well knowing the said James
Scott, then to be a false traitor against the said lord the now
king, and * with many other false traitors to the jurors aforesaid
unknown, to the number of 4000 persons at least, then and
there unlawfully had assembled and collected, and then and
there unlawfully, unjustly, and traiterously had prepared,
levied and raised war, insurrection and rebellion against
the said lord the king, within this realm of England. Never-
theless the said Mary Speke, the wife of George Speke, for
the comforting, assisting, aiding and supporting of the said
James Scott, lately called or named by the name of James
Duke of Monmouth, and of the other false traitors as aforesaid, in the war, rebellion and insurrection aforesaid, by them
then and there as aforesaid, levied and raised on the day
of &c. in the year, &c. and on divers other days and
times, at, &c. in the county, &c. falsely, unlawfully and trait-
erously did convey and carry, and did cause to be conveyed and
carried to the said James Scott, lately called or named by the
name of James Duke of Monmouth, and to the other false
traitors as aforesaid, cart loads of bread and of cheese, and
other great quantities of provisions, and also on the said day
and

Indictments for High Treason.

and year, &c. at, &c. for the intentions aforesaid; falsely, unlawfully and traitorously did deliver and send, and did cause to be delivered and sent, a certain mare being a mare of the said George Speke to the aforesaid James Scott, and to the other false traitors as aforesaid, * or to some one of them, against the peace of the said lord the now king his crown and dignity, &c. and also against the form of the statute, &c.

* Quere, if this part of this indictment could be supported, being in the disjunctive, vide 2nd Hawk-ins 321 322 and 5th mod. 137 Rex vertus Stocker

The King *against* Horsley.

Michaelmas, 1 James II.

Surry, **T**HAT *William Horsley*, late of, &c. being a false traitor against the most illustrious and most excellent Prince, our lord James the 2d. by the grace of God of England, Scotland, France and Ireland, king, and his natural lord, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, and entirely withdrawing the cordial love, and true, due and natural obedience which a true and faithful subject of the said lord the king towards the said lord the king, should and of right ought to bear, and contriving, practising, and as much as in him lay, intending to molest and disturb the peace and public tranquillity of this kingdom of England, and to raise, move and procure war and rebellion against the said lord the now king, and to subvert the government of the said lord the king of this kingdom of England, and to depose and deprive the said lord the king of his royal title, honour and name, and of the imperial crown of this realm of England, and to bring and put the said lord the king to death and final destruction, on the 10th day of July, in the year, &c. and at divers other days and times as well after as before, at the parish, &c. falsely, maliciously and traitorously with one James Scott, late Duke of Monmouth, and with divers other rebels and traitors, to the jurors aforesaid unknown, did conspire, compass, imagine and intend, not only to deprive and depose the said lord the king, his supreme natural lord of his royal estate, power, title and government of his his kingdom of England, but also to slay and to bring, and put to death the said lord the king, and to alter, change and entirely subvert the antient government of * this kingdom of England, and to cause and procure a miserable slaughter among the subjects of the said lord the king, throughout his entire realm of England; and to move, promote and assist the insurrection and

* P. 5.

Indictments for High Treason.

●vert act.
Printing
and pub-
lishing the
Duke of
Monmouth's
declaration.

and rebellion, against the said lord the king, by the aforesaid
J. S. and other rebels and traitors within this kingdom of
 England, begun, moved and stirred up, and to fulfil perfect
 and bring to effect the said most wicked and diabolical trea-
 sons, and his traiterous, compassings, imaginations and pur-
 poses aforesaid; and to move and persuade other subjects
 of the said lord the king, to be aiding and assisting to the said
 James Scott, and to the other traitors as aforesaid; he the said
William Horsely, then and there, and at divers other days and
 times as well before as after, at _____ in the county afore-
 said, &c. falsely, unlawfully, wickedly, traiterously and sedi-
 tiously did imprint, and did cause to be imprinted and pub-
 lished a certain false, seditious and traiterous libel, to move the
 subjects of the said lord the king, of his realm of England,
 to levy war against the said lord the now king; in which false
 seditious and traiterous libel, among other things there were
 contained, these false, seditious and traiterous English sen-
 tences, to wit, " Now therefore we (*meaning the said James*
 "*Scott, and the other rebels and traitors aforesaid*) do solemnly de-
 "clare and proclaim war against James Duke of York, (*mean-*
 "*ing the most serene lord James the second, the now king of Eng-*
 "*land*) as a murderer and assassinate of innocent men, a po-
 "pish usurper of the crown, (*meaning the imperial crown of this*
 "*kingdom of England*) traitor to the nation, and tyrant over
 "the people; and we would have none that appear under
 "his banner, to flatter themselves with expectation of for-
 "giveness, it being our firm resolution to prosecute him;
 " (*meaning the said most serene lord the now king*) and his ad-
 "herents, without giving way to treaties or accommodati-
 "ons, until we have brought him (*meaning the said lord the*
 "*now king*) and them to undergo what the rules of the con-
 "stitution, and the statutes of the realm, as well as the laws
 "of nature, scripture and nations adjudge to be the punish-
 "ment due to the enemies of God, mankind, their country,
 "and all things that are honourable, virtuous and good;"—
 against the duty of his allegiance, against the peace of the
 said lord the now king, his crown and dignity, &c. and also
 against the form of the statute in such case made and provided.

Indictments for High Treason.

The King *against* Hayes.

Michaelmas, 36th. Charles II.

London, **T**HAT *Joseph Hayes*, late of London, merchant,
To wit. as a false traitor against the most illustrious and
most excellent prince, the lord Charles the second, by the
grace of God, king, &c. and his natural lord, not having the
fear of God in his heart, nor weighing the duty of his allegi-
ance, but being moved and seduced by the instigation of the de-
vil, and entirely withdrawing the love, and true, due and natu-
ral obedience which a true and faithful subject of the said lord
the king, towards the said lord the king should and of right
ought to bear, and as much as in him lay, intending to molest
and disturb the peace and public * tranquility of this realm of * P. 6.
England, and to move and raise war and rebellion against the
said lord the king, and to subvert the government of the said
lord the king, in this kingdom of England, and to expel,
depose and deprive the said lord the king of his royal title,
honour and name, and of the imperial crown of his kingdom
of England, and to bring and put the said lord the king to
death and final destruction, on the 31st day of August, in
the 35th year of the reign of the lord Charles 2d. the now king
of England, &c. at the parish of St. Michael Bassishaw, in the
ward of Bassishaw, London, well-knowing that one Thomas
Armstrong, late of London, kt. as a false traitor had traiter-
ously conspired and imagined the death and final destruction
of the said lord the king, and for the same treason had trait-
erously fled, he the aforesaid *Joseph Hayes* afterwards, to
wit, on the said 31st day of Aug. in the 35th year of the
reign of the said lord the now king as aforesaid, and at divers
other days and times as well after as before, at the parish
of St. Michael Bassishaw, in the ward of Bassishaw, Lon-
don, aforesaid, knowingly, maliciously, seditiously and trait-
erously did comfort, maintain, and support the said *Thomas*
Armstrong and the said *Joseph Hayes*, then and there for the
comforting, maintaining and supporting the aforesaid Tho-
mas

Indictment.

For conspir-
ing the de-
position,
death and
destruction
of the King.

Overt act,
Comforting
and support-
ing Sir Th.
Armstrong,
whom he
knew to
have com-
mitted trea-
son, and to
have fled
for the
same.

Indictments for Murder.

And assist-
ing him
with mo-
ney.

mas Armstrong, maliciously, seditiously and traiterously did pay, and did cause to be paid to the said *Thomas Armstrong*, a sum amounting to the sum of one hundred and fifty pounds, of the lawful money of England, against the duty of his allegiance, against the peace of the said lord the king, his crown and dignity, &c. and also against the form of the statute, &c.

Indictments for Murder.

The King against Green, and others.

Michaelmas, 30th Charles II.

Indictment.
For the
murder of
Sir Edmund
bury God-
frey, by
strangling
him with a
handker-
chief.

To wit. **T**HE Jurors for the lord the king, upon their oath present, That *Robert Green* of the parish of *St. Mary* in the Strand, in the county of *Middlesex*, labourer, *Laurence Hill* late of the said parish aforesaid, in the county aforesaid labourer, *Dominick Kelly* late of the parish aforesaid, in the county aforesaid, clerk, and *Philbert Vernat* late of the parish aforesaid, in the county aforesaid labourer, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 12th day of October, in the 30th year of the reign of the lord Charles 2d. by the grace of God, king, &c. with force and arms, at the parish of *St. Mary* in the Strand aforesaid, in the county aforesaid, in and upon one *Edmundbury Godfrey*, kn. in the peace of God, and of the said lord the king, then and there being, feloniously, wilfully, and of their malice aforethought, did make an assault, and that the aforesaid *Robert Green*, a certain linen handkerchief, of the value of 6d. about the neck of the said *Edmundbury Godfrey*, then and there feloniously, wilfully, and of his malice aforethought, * did fold and fasten, and that the aforesaid *Robert Green*, with the aforesaid handkerchief so by him, the said *Robert Green* folded and fastened about the neck of him, the said *Edmundbury Godfrey*, then and there, him, the aforesaid *Edmundbury Godfrey*, feloniously,

* P. 7.

Indictments for Murder.

ly, wilfully, and of his malice aforesaid, did choak and strangle, by which choaking and strangling of him, the said Edmundbury Godfrey aforesaid, by him the said Robert Green, in the form aforesaid committed and perpetrated, he the aforesaid Edmundbury Godfrey, then and there instantly died. And that the aforesaid Laurence Hill, Dominick Kelly, and Philbert Vernat, feloniously, wilfully, and of their malice aforethought, were present, aiding and abetting, comforting, assisting, and maintaining the aforesaid Robert Green, him the said Edmundbury Godfrey, in the form aforesaid, feloniously, wilfully, and of his malice aforethought, to slay and murder, and so the jurors aforesaid, upon their oath aforesaid say, that the said Robert Green, Laurence Hill, Dominick Kelly, and Philbert Vernat, in the manner and form aforesaid, him, the said Edmundbury Godfrey feloniously, wilfully, and of their malice aforethought, did slay and murder, against the peace of the said lord the now king, his crown and dignity, &c.

The trial and conviction of the defendants, on this indictment, is in State Trials, 2 vol. 214.

The King *against* Thurston.

Indictment.

To wit. **BE** it remembered, that at the goal delivery of our lord the king, of and for his county of Suffolk, holden at Bury St. Edmund's, in the county aforesaid, on Monday the 11th day of March, in the 14th year of the reign of our lord Charles the 2d, by the grace of God, king, &c. before Matthew Hale, kt. chief baron of the Exchequer of the said lord the king, and Edward Atkyns, kt. one of the barons of the Exchequer, of the said lord the king, justices of the said lord the king, assigned to deliver his goal of his said county of Suffolk of the prisoners being therein, and justices of the said lord the king, assigned to preserve the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdeeds in the said county perpetrated, by the oath of Francis Coppinger, R. M. S. B. (and 16 others) good and lawful men of the county aforesaid, impanelled and sworn to enquire for the said lord the king; and for the body of the county aforesaid, it is presented, That Anthony Thurston, late of West-haven, in the county aforesaid, labourer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 30th day of May, in the 12th year of the reign of our lord Charles the 2d. by the grace of God, king of England, &c. with force and arms, at W. aforesaid, in the county aforesaid, in and upon one Edw. For murder, by stabbing the deceased with a knife.

B

Rowe,

Indictments for Murder.

Rowe, in the peace of God and our said lord the king, then and there being feloniously, wilfully, and of his malice aforethought did make an assault; and the aforesaid Anthony Thurston, with a certain knife of the value of 1d. which he, the said Anthony Thurston, then and there in his right hand had and held, him the aforesaid Edward Rowe, in and upon the left side of the body of him the said Edward Rowe, under the ribs of the said left side of the body of him the said Edward Rowe, then and there feloniously, wilfully, and of his malice, aforethought, did strike, thrust, stab, and penetrate, giving to the said Edward Rowe, then and there with the knife aforesaid, in and upon the left side of the body of him the said

- * P. 8.** Edward Rowe, one mortal wound of the * breadth of one inch, and of the depth of six inches, of which said mortal wound, the aforesaid Edward Rowe, at W—— aforesaid, in the county aforesaid, instantly died, and so the aforesaid A. T. the aforesaid E. R. in the manner and form aforesaid, feloniously, wilfully and of his malice aforethought, did kill and murder, against the peace of the said lord the now king his crown and dignity, &c. Whereupon the sheriff of the county aforesaid, is commanded that he do not omit, &c. but that he take him, &c. to answer, &c. &c. Afterwards, to wit, on Tuesday the 15th day of July, in the 14th year of the reign of our lord Charles the 2d, by the grace of God, king, &c. at the general goal delivery of our lord the king, for his said county of Suffolk, then held at Bury St. Edmund's, in the said county, before Thomas Twyden, kt. one of the justices of the lord the king assigned to hold pleas before the king himself, and Richard Levinz, Esq, justices of our said lord the king assigned to deliver his goal of his county of Suffolk aforesaid, of the prisoners being therein; cometh the aforesaid Anthony Thurston, under the custody of R. W. Esq. sheriff of the county aforesaid, (into whose custody heretofore for the cause aforesaid, and for other certain causes he had been committed) brought here to the bar in his proper person, and being forthwith demanded of the premises above charged against him, how he will acquit himself thereof; he saith he is not guilty thereof, and for good and evil puts himself upon the country. Therefore, immediately let a jury come here before the justices aforesaid, &c. and the jurors of the jury aforesaid, by the sheriff of the county aforesaid, for this purpose impanelled; to wit, W. C. T. B. J. B. (and 9 others) being called and come, who being elected, tried and sworn to speak the truth of, and concerning the premises; say upon their oath, that before the perpetration of the felony and murder aforesaid, in the indictment aforesaid, mentioned, to wit, in the term of St. Hilary, in the year of our Lord 1659, a certain writ of *capias ad satisfaciendum*, issued out of the court, lately called the court of Upper Bench,

Capias
awarded.

Plea not
guilty.

Special ver-
dict, That
ca. sa. issued
out of the
Upper

Indictments for Murder.

Bench, upon a judgment entered in the said court, directed to the sheriff of Suffolk, to take the aforesaid A. T. in execution, at the suit of one William Hacon; the tenor of which writ, follows in these words—"The keepers of the liberty of England by the authority of parliament, to the sheriff of Suffolk greeting, We command you to take Anthony Thurston, if he shall be found in your bailiwick, and him safely keep, so that you have his body before us in the Upper Bench, at Westminster, on Saturday next, after the morrow of the Ascension of our Lord, to satisfy William Hacon of seven pounds, five shillings, which were adjudged to the said William, for his damages which he hath sustained as well by not performing of certain promises and assumptions to the said William, by the said Anthony made, as for his costs and charges by him, about his suit in that behalf expended; whereof he is convicted as appeareth unto us of record; and that you have there this writ, witness R. Newdigate, at Westminster, the 13th February, in the year of Lord 1659. Waightwick and Henly." As by the writ aforesaid to the jurors aforesaid, in evidence exhibited more fully appears; and further, the jurors aforesaid upon their oath aforesaid, say that J. W. esq; at that time sheriff of the county aforesaid, by virtue of the said writ afterwards, and before the return of the said writ, and before the perpetration of the felony and murder aforesaid, in the indictment aforesaid specified; made his certain warrant under the seal of his office, to one W. P. his bailiff, to take and arrest the aforesaid A. T. according to the command of the said writ, and that the said W. P. by virtue of the * warrant aforesaid afterwards, and before the return of the said writ, to wit, on the 30th day of May, in the 12th year of the reign of the said lord, the now king aforesaid, at W. aforesaid, in the county aforesaid, took and arrested the said A. T. and him in execution by virtue of the warrant aforesaid, then and there had; and further the jurors aforesaid, say upon their oath aforesaid, that the said E. R. then and there, by the command and at the request of the said W. O. came to the aid and assistance of the said W. O. to lead the said A. T. (so being in execution as aforesaid) to the goal of the lord the king of the county aforesaid; and the jurors aforesaid, further say upon their oath aforesaid, that the aforesaid A. T. then and there being under arrest, and in custody of the said W. O. and in execution in the manner and form aforesaid, the said A. T. then and there, with the knife aforesaid, struck the said E. R. and then and there gave to the said E. R. the mortal wound aforesaid, in the indictment aforesaid mentioned, of which mortal wound the said E. R. then and there instantly died, (the said E. R. being then and there aiding and assisting the said W. O. to conduct the said A. T. so being then in execution to the goal of the said lord the king in the county aforesaid. But whether upon the whole matter aforesaid, by the jurors aforesaid, in the form aforesaid found, the said A. T. is

Bench, in
Hilary
term, 1659,
against the
prisoner,
that the
sheriff of
Suffolk
made a
warrant
therein, to
one of his
bailiffs who
arrested the
prisoner,
and the de-
ceased at
the bailiffs
request, as-
sisted in
carrying
the prisoner
to goal, and
in so doing,
the prisoner
stabbed the
deceased,
and killed
him, but
whether
murder or
not, &c.

* P. 9.

Indictments for Murder.

guilty of the felony and murder aforesaid, in the indictment aforesaid specified or not, the jurors aforesaid are intirely ignorant, and therefore they pray the advice of the justices aforesaid, and of the court, &c. and if upon the whole matter aforesaid, by the jury aforesaid, in form aforesaid found, it shall appear, to the justices aforesaid, and to the court, &c. that the aforesaid A. T. is guilty of the felony and murder aforesaid, then the jurors aforesaid say upon their oath aforesaid, that the said A. T. is guilty of the felony and murder aforesaid in the indictment aforesaid, specified in the manner and form as by the indictment aforesaid, is above supposed against him, and that the said A. T. at the time of the perpetration of the felony and murder aforesaid, or at any time after, had no goods or chattels, lands or tenements, to the knowledge of the said jurors; and if upon the whole matter aforesaid, by the jurors aforesaid, in the form aforesaid found, it shall appear to the justices aforesaid, and to the court, &c. that the said A. T. is not guilty of the murder aforesaid, then the jurors aforesaid, say upon their oath, that the said A. T. is not guilty of the murder aforesaid, as the said A. T. by pleading above hath alledged, but that the said A. T. is guilty of the felony and homicide only, and that the said A. T. at the time of the perpetration of the felony and homicide aforesaid, or at any time afterwards, had no goods or chattels, lands or tenements, to the knowledge of the jurors aforesaid, and because, &c.

This case is reported in 1 Keble 454, 455, and 1 Levinz 91. The court gave no judgment upon the point, whether killing the bailiff who arrested him by a warrant under the usurped government, was murder or not, the proceedings being afterwards confirmed by an act of parliament, but the defendant got a pardon.

* P. 10.

The King and Queen against Biggleston.

Indictment
for murder,
by knocking
down an
old woman
standing in
the crowd
to receive
the king
and queen's
maundy
money,
whereby he
was trod to
death by the
crowd.

The Palace of the lord the king, and the lady the queen, and the verge of the same, to wit.

THE jurors for the lord the king, and the lady the queen present upon their oath, that Michael Biggleston, late of the parish of St. Martin, in the fields, in the county of Middlesex, labourer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 13th day of April, in the 5th year of the reign of the lord William and the lady Mary, the now king and queen of England, &c. at the parish aforesaid, in the county aforesaid, and within the verge of the palace, of the said lord the king and

Indictments for Murder.

and the lady the queen, (the said palace then and there being at Whitehall, in the parish aforesaid, and county aforesaid, and the said lady the queen in her royal person, then and there at Whitehall aforesaid, in the parish aforesaid, and county aforesaid, living and abiding) in and upon one Joyce Barker, in the peace of God, and of the said lord the king, and the lady the queen, then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault, and that the said M. B. with a certain wooden staff of the value of one penny, which he the said M. B. then and there in his hands had and held, her the aforesaid J. B. [she the said J. B. then and there, at the parish aforesaid, in the county aforesaid, and within the verge aforesaid, among a great concourse of people, to the number of 500 persons at the least, to the jurors aforesaid unknown, then and there standing, and being to receive a certain charity, of the said lord the king, and the lady the queen, commonly called the maundy money] in and upon the forehead of the said J. B. near the left eye of the said J. B. then and there feloniously, wilfully, and of his malice aforethought, did strike and knock, whereby, she the said J. B. then and there at the parish aforesaid, in the county aforesaid, and within the verge aforesaid, among the concourse of persons aforesaid, then and there assembled and collected as aforesaid, fell to the ground; and the jurors aforesaid, upon their oath aforesaid, further say, that thereupon many of the persons aforesaid, [so as aforesaid then and there collected and assembled] to the jurors aforesaid unknown, her the said J. B. so fallen to the ground, by the stroke and knock given to the said J. B. by the said M. B. as aforesaid, and then and there lying and being prostrate upon the ground, in and upon the neck, shoulders, breast, belly, sides and back of the said J. B. with the feet of the said persons unknown, as aforesaid, then and there at the parish aforesaid, in the county aforesaid, and within the verge aforesaid, on and upon the ground there most grievously did tread and bruise, of which striking and knocking of her the said J. B. by the said M. B. with the wooden staff aforesaid, in and upon the forehead of her the said J. B. as aforesaid, and of the aforesaid treading and bruising of the said J. B. as aforesaid, by the persons aforesaid, with their feet in and upon the neck, shoulders, breast, body, sides and back of the said J. B. she the said J. B. then and there instantly died, and so the jurors aforesaid, * upon their oath aforesaid, say that he the said M. B. her the aforesaid J. B. in manner and form aforesaid, at the parish aforesaid, in the county aforesaid, and within the verge aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of the said lord the now king, and the lady the now queen their crown and dignity, &c.

* P. II.

This indictment under
22 Hen. 8.
c. 12.

The

Indictments for Murder.

The King *against* Knowles, otherwise Earl of Banbury.

Hilary, 4 & 5 William and Mary.

Indictment for murder against the Earl of Banbury, by the name of Charles Knowles, esq; found at Hick's-Hall in Middlesex, and removed by Certiorari into the King's-Bench, where the defendant being arraigned thereon pleads misnomer in abatement of the indictment, viz. that he is Earl of Banbury, and sets out the King's Letters patent to his ancestors and the descents to himself, the Attorney-general replies, that the defendant petitioned the House of Lords to be tried there, for the said crime, and

Middlesex, **H**ERETOFORE to wit, on Wednesday, to wit, the 7th day of September, in the fourth year of the reign of our lord William, and our lady Mary, by the grace of God, of England, &c. king and queen, at the general sessions of the peace of the said lord the king, and the lady the said queen, holden by adjournment for the county of Middlesex, at Hick's-Hall, in St. John-street, in the county aforesaid, before Char. Lee, kt. Lancelot Johnson, and others, their fellows, justices of the said lord the king, and the said lady the queen, assigned to preserve the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds, in the said county perpetrated, upon the oath of twelve good and lawful men of the county aforesaid, then and there charged and sworn to inquire for the said lord the king, and the said lady the queen, and for the body of the county aforesaid, it is presented, that Charles Knowles, late of the parish of St. Giles, in the fields, in the county of Middlesex, Esquire, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 6th day of December, in the 4th year of the reign of our lord and lady, William and Mary, king and queen, &c. with force and arms, at the parish aforesaid, in the county aforesaid, in and upon one Philip Lawson, gent. in the peace of God, and of the said lord the king, and the said lady the queen, then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said Charles Knowles, with a certain sword, made of iron and steel, of the value of five shillings, which he the said Charles Knowles, then and there in his right hand, had and held drawn, him the said Philip Lawson, in and upon the left part of the body of the said Philip Lawson, then and there feloniously, wilfully, and of his malice aforethought, did thrust and stab, giving to the said P. L. then and there, with the drawn sword as aforesaid, in and upon the left side of the body of the said P. L. as aforesaid, nigh the ribs called the short ribs, of him the said P. L. one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound, the said P. L. then and there instantly died, and so the jurors aforesaid, say upon their oath aforesaid, that

Indictments for Murder.

that the aforesaid C. K. him the said P. L. in the manner and form aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did kill and murder against the peace of the said lord the now king, and the said lady the now queen, their crown and dignity, &c. Which indictment the said lord the now king, and the said lady the now queen, afterwards for * certain causes, have caused to come before them, to be * P. 12. determined, &c. Wherefore, the sheriff of the county aforesaid, is commanded, that he do not omit, &c. but that he do take, &c. to answer, &c. And now, to wit, on the Tuesday next after the octave of St. Hilary, in this same term, before the lord the king, and the lady the queen at Westminster; cometh Charles, Earl of Banbury, under the custody of William Richardson, gent. keeper of the goal of the lord the king, and the lady the queen of Newgate, by virtue of a writ of the lord the king, and the lady the queen, of *habeas corpus ad subjiciendum*, &c. to him directed, into whose custody for the cause aforesaid, he had been before committed, by the name of Charles, Earl of Banbury, otherwise called Charles Knowles, Esquire, brought to the bar here in his proper person, and being immediately demanded of the premisses above charged against him, how he will acquit himself thereof, he saith, that he is the person in the indictment aforesaid mentioned, and intended by the name of Charles Knowles, of the parish of St. Giles, in the fields, in the county of Middlesex, Esquire, and against whom the indictment aforesaid is found, and preferred, for the murder and felony aforesaid, and saith that he ought not to be compelled to answer to that indictment, because he saith that the lord Charles the 1st, late king of England, &c. by his letters patent, under the great seal of England, bearing date the 18th day of Aug. in the 2d year of his reign, which letters patent, sealed under the great seal of the said late king of England, the said C. Earl of B. brings here into court; of his special favour, certain knowledge, and mere motion, advanced, made and created William at that time Viscount Wallingford, to the state, degree, dignity and honour of Earl of Banbury; and to the said William, by the said letters patent, gave, granted and appointed, the state, style, title, dignity and honour of Earl of Banbury, and invested, and really ennobled him, the said William, with the same name, title, style, state, honour and dignity of an Earl, by girding on of a sword, and by putting on of a cap of honour, and of a golden coronet, to have and to hold, the same name, state, degree, dignity, style, title and honour of Earl of Banbury, with all and singular, the pre-eminences and other honours to the same name, state, degree, dignity, style, title and honour of an Earl, belonging or appertaining to the aforesaid William, and to the heirs male of his body issuing for ever;

willing

that thereon it was adjudged that he had no right to the said Earl-dom, to this replication the defendant demurs, and the Attorney general joins in demurrer.

The plea in abatement, misnomer for that defendant is a peer.

Indictments for Murder.

willing and by the said letters patent, granting for himself his heirs and successors, that the said William, and his heirs male aforesaid, and each and every of them, should successively have and bear, the name, state, degree, honour and title aforesaid, and that each and every of them successively should be called by the name of Earl of Banbury, as by the said letters patent more fully appears, by virtue of which letters patent aforesaid, the said William was Earl of Banbury, and was seized of the estate, degree, title and honour of Earl of Banbury, in his demesne as of fee tail, to wit, to him and to the heirs male of his body, and being so seized, the said William, Earl of Banbury died so seized, to wit, at the parish of St. Giles, in the fields aforesaid, in the county of Middlesex aforesaid, after whose death the state, degree, title and honour of Earl of Banbury aforesaid, descended to Edward Knowles, the son and heir male of the body of the said William, Earl of Banbury, whereby the said Edward was Earl of Banbury, and seized of the state, degree, title and honour of Earl of Banbury aforesaid, in his demesne as of fee tail, to wit, to him and the heirs * male of the body of the said William, to wit, at the parish of St. Giles, in the fields aforesaid, and being so seized thereof, the said Edward Earl of Banbury, died seized, without heir male of his body, to wit, at the parish aforesaid, after whose death the state, degree, title and honour of Earl of Banbury aforesaid, descended to Nicholas Knowles, as heir male of the body of the said William, Earl of Banbury, to wit, as brother and heir to the said Edward, the son and heir to the said William, whereby the said Nicholas was Earl of Banbury, and seized of the state, degree and honour of Earl of Banbury aforesaid, in his demesne as of fee tail, to wit, to him and the heirs male of the body of the aforesaid William, late Earl of Banbury, to wit, at the parish of St. Giles, in the fields aforesaid, and being so seized, the said Nicholas, Earl of Banbury, afterwards died so seized thereof, to wit, at the parish aforesaid, after whose death the state, degree and honour of Earl of Banbury aforesaid, descended to the said Charles, as heir male issuing of the body of the said William, late Earl of Banbury, to wit, the son and heir of Nicholas, late Earl of Banbury, the brother and heir of the said Edward, the son and heir of the said William, whereby the said Charles at the time of the caption of the indictment aforesaid, was and as yet, is seized of, and in the state, degree and honour of Earl of Banbury aforesaid, in his demesne as of fee tail, to wit, to him and the heirs male of the body of the said William, and Earl of Banbury as yet is, to wit, at the parish of St. Giles, in the fields, and this he is ready to verify; wherefore, because, that he is not named in the indictment aforesaid, by the aforesaid name of Earl of Banbury, he prays judgment of the

Indictments for Murder.

the indictment aforesaid, and if he to the indictment aforesaid, ought to be compelled any further to answer, &c.

Creswell Levinz.

Bartholomew Shower.

And J: Somers, kt. attorney-general of the lord the now king, Replication
and the lady the now queen, who for the lord the now king, and That de-
the lady the now queen, in this behalf prosecutes, by proestling fendant pe-
not acknowledging any thing in the plea of the aforesaid Cha. tioned the
to be true, saith, that the said Charles Knowles in the indict- House of
ment aforesaid named to that indictment ought to answer, be- Lords, to
cause he saith that he the said Charles Knowles, by the name be tried
of Charles, Earl of Banbury, heretofore, to wit, on the 13th there, and
day of December, in the 4th year of the reign of the said that it was
lord and lady the now king and queen, did exhibit his certain resolved,
petition in writing, to the lords spiritual and temporal in par- defendant
liament, then and as yet, held and assembled at Westminster, had no right
in the county of Middlesex, alledging and pretending by the to the title,
said petition, that he the said Charles, by hereditary right, and that the
then was Earl of Banbury, and one of the peers of this realm petition
of England, and that at that time, he was indicted for should be
the death of the said P. L. wherefore the said Charles, most dismissed.
humbly besought the said lords spiritual and temporal, then
and there in the said parliament assembled, that he the said
Charles, of and for the death of the said P. L. might be tried
by the peers of the said realm, and thereupon it was in such
wise proceeded, that afterwards on Tuesday the 17th day of
January, in the 4th year of the reign of the said lord and
lady the now king and queen, by the said lords, spiritual and
temporal, in the said parliament, then and there assembled * P. 14.
according to the law and custom of parliament, it was
resolved, ordered and considered, that the said Charles,
had not any right to the said title and honour of Earl of
Banbury, and that the said petition from thenceforth should
be dismissed, as by the record thereof, among the records of
parliament here at Westminster aforesaid, remaining more
fully appears, and this he is ready to verify, wherefore, he
prays judgment, and that the indictment aforesaid, may be
adjudged good, and that the aforesaid C. K. may further
answer to that indictment.

J. Somers.

T. Trevor.

J. Tremaine.

And the aforesaid Charles in his proper person cometh and Demurrer.
saith, that the said plea, of the said Attorney-general, of
the lord and lady, the now king and queen, in form afore-
said above, by replying pleaded, and the matter therein con-
tained are not sufficient in law to compel the said Charles to
C that

Appeals of Murder.

the said indictment any farther to answer. Wherefore, for want of a sufficient replication to the plea aforesaid, of the said Charles in this behalf pleaded, the said Charles as before prays judgment of the said indictment, and that he of the indictment aforesaid, by the court here may be dismissed and discharged, &c.

Joinder.

And Edward Ward, esquire, attorney-general of the said lord and lady, the now king and queen, who for the said lord and lady the king and queen in this behalf prosecutes, saith, that the plea aforesaid of the attorney-general of the said lord and lady, the now king and queen, in form aforesaid above, by replying pleaded, and the matter therein contained, are good and sufficient in law to compel the said Charles to the said indictment further to answer; which plea above, by replying pleaded, and the matter therein contained, the said attorney-general, of the said lord and lady, the now king and queen, on the behalf of the said lord and lady, the now king and queen, is ready to verify as the court, &c.

Edward Ward.

Thomas Trevor.

John Tremaine.

The court of King's-Bench, after several arguments, gave judgment, that the replication was insufficient, and the defendant remains untried to this day.

* P. 15.

* Appeals of Murder.

Goreing v. Deering.

Michaelmas, 1st James II. Roll 23.

Appeal of murder, by the widow of the deceased.

Middlesex. **C**HARLES DEERING, late of the parish of St. Martin's in the fields, in the county of Middlesex, esquire, was attached by his body to answer Mary Goreing, widow, who was the wife of Henry Goreing; esq; of the death of the said Henry Goreing heretofore her husband, whereof she appealeth him, and there are pledges to prosecute John Stone, of New Inn, in the county of Middlesex, gentleman, and Thomas Jones of the parish of St. Clement Danes, in the county of Middlesex, gentleman, and thereupon the said Mary, by Thomas Bathurst her attorney, according to the form of the statute in that case made and provided, instantly appealeth, the aforesaid C. D. for this, that when the said H. G. was in the peace of God, and of the lord

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lord the now king, at the parish of St. Martin in the Fields, in the county of Middlesex, on the 10th day of June, in the 1st year of the reign of the lord James the 2d. king, &c. about the eighth hour after mid-day of the said day, there, to wit. at the parish of St. Martin in the Fields, in the county of Middlesex came, the said C. D. feloniously, and as a felon of the said lord the now king, and of his malice aforethought, and with premeditated lying in wait, against the peace of the said lord the now king, his crown and dignity, on the said 10th day of June, in the 1st year of the reign of the said lord the now king aforesaid, about the eighth hour after mid-day of the said day, and in and upon the said H. G. then with force and arms, &c. at the parish of St. Martin in the Fields, in the county of Middlesex aforesaid, did make an assault, and the said C. D. then and there with a certain sword, called a Rapier, to the value of five shillings, which he the said C. D. in his right hand then and there, to it, on the 10th day of June, in the 1st year, &c. at the parish of St. Martin in the Fields aforesaid, and in the county of Middlesex aforesaid, had and held, him the said H. G. in and upon the left side of the neck of him the said H. G. near the collar-bone of him the said H. G. then and there feloniously, wilfully, and of his malice aforethought, did thrust and stab, and then and there gave to him the said H. G. one mortal wound, of the depth of four inches, and of the breadth of one inch, of which mortal wound he the said H. G. then and there instantly died. And so the aforesaid C. D. him the aforesaid H. G. on the 10th day of June, in the 1st year, &c. at the parish, &c. in the said county of Middlesex, in the manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder against the peace of the said lord now king, his crown and dignity. And as soon as the said Charles Deering, the said felony had committed he fled, and the said Mary him freshly pursued from vill to vill, unto the four nearest vills, and further, until, &c. And if the said Charles Deering * the felony * P. 16. and murder aforesaid, to him in form aforesaid charged will deny, the said Mary is ready this to prove against him, as the court, &c. And the aforesaid Charles Deering in his proper person, comes and defends the force and injury, when, &c. and all the felony, and murder, and whatsoever, &c. — Defendant prays oyer of the writ of appeal And he prays Oyer of the writ of appeal; and it is read to him in these words. To wit. James the 2d. by the grace of God, king, &c. to the sheriff of Middlesex, greeting. For as much as Mary Goreing, widow, who was the wife of Henry Goreing, esquire, hath given us security to prosecute her suit, by John Stone of New Inn, in your county, gentleman, and Thomas Jones, of the parish of St. Clement Danes, in your county, gentleman, therefore, We command you, that you attach C. D. late of the parish, &c. in your county, esquire, by

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ceased; that by his body, according to the law and custom of England, so there n he that you may have him before us, from the day of St. Michael pray d the that in three weeks, wheresoever we shall then be in England, to benefit of in answer to the said Mary, of the death of the said H. G. here- clergy; but answer to the said Mary, of the death of the said H. G. here- n judge- tofore her husband, whereof the appealeth him, and have there ment was then this writ. Witness Ourself, at Westmirster, the 8th day of given there- July, in the 1st year of our reign, Layton. Also, he prays on. Avers Oyer of the return of the said writ, and to him in like manner that he was and is a clerk, and directed, I have attached the within named C. D. esq; by his was and is body, which body I have ready before the within written king, ready to &c. at the day within contained, wheresoever, &c. as within it read. &c.

Defendant
pleads that
he was con-
victed on an
Indictment
for man-
slaughter,
at the suit
of the king,
for the kill-
ing the de-

Benjamin Thorowgood, knt. and Thomas Kinsey, knt. sheriff; which being read and heard, the said Charles Deering saith, that the said Mary Goreing ought not to have or maintain against him her appeal aforesaid, for the death of the said Henry Goreing, heretofore her husband; because he saith, that heretofore, to wit, at the general quarter sessions of the peace, of the lord the king, held for the county of Middlesex, at Hick's-hall, in St. John-street, in the county aforesaid, on Monday the 13th of July, in the 1st year of the reign of our lord James the 2d. king, &c. before William Earl Craven, &c. and others their fellow justices of the said lord the king, assigned to preserve the peace in the said county; and also to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, by the oath of Edward Porter, John Weston, (and 15 others) good and lawful men, of the county aforesaid, then and there sworn and charged to enquire for the said lord the king, and the body of the county aforesaid; the said C. D. by the name of C. D. late of, &c. esq; was indicted for the death of the said H. G. which indictment follows in these words, to wit, Middlesex, to wit, The jurors for the lord the king upon their oath present, that C. D. late of, &c. in the county of Middlesex, esq; not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the 10th day of June, in the 1st year of the reign of our lord James the 2d. king, &c. with force and arms, &c. at the parish aforesaid, in the county aforesaid, in and upon one H. G. esq; in the peace of God, and of our said lord the king, then and there being, * feloniously, wilfully, and of his malice aforethought, did make an assault; and that the said C. D. with a certain sword made of iron and steel, of the value of 5s. which he the said C. D. then and there in his right hand had and held drawn, him the said H. G. in and upon the left part of the neck of him the said H. G. near the collar-

Appeals of Murder.

collar-bone of him the said H. G. feloniously, wilfully, and of his malice aforethought, did strike and stab, giving to the said H. G. then and there with the sword aforesaid, in and upon the left part of the neck of him the said H. G. near the collar-bone of him the said H. G. one mortal wound of the breadth of one inch, and of the depth of six inches, of which mortal wound he the said H. G. then and there instantly died, and so the jurors aforesaid say upon their oath aforesaid, that the aforesaid C. D. him the aforesaid H. G. in manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, kill and murder, against the peace of the said lord the now king, his crown and dignity. Whereupon the sheriff of the county aforesaid, was commanded that he should not omit, &c. but that he should take him, to answer, &c. and that afterwards, to wit, at the delivery of the goal of the said lord the king, of Newgate, held for the county aforesaid, at Justice-hall in the Old-bailey, in the suburbs of the city of London, on Thursday, to wit, the 16th day of July, in the 1st. year aforesaid, before James Smith, knight, mayor of the city of London, Thomas' Jones, knight, chief justice of the said lord the king of the Bench, W. M. J. M. and others their fellow-justices, of the said lord the king, assigned to deliver his goal of Newgate of the prisoners being therein, the aforesaid justices of the said lord the king, assigned to preserve the peace in the said county, and also to hear and determine divers felonies, trespasses and misdemeanors within the said county perpetrated, by their proper hands did deliver the indictment aforesaid, into the said court of goal delivery aforesaid, of record to be determined. Whereupon at the said delivery of the goal of the said lord the king of Newgate, held for the county aforesaid, at Justice-hall aforesaid, on the said Thursday the 16th day of July, in the 1st year of the reign of the said lord the now king aforesaid, before the said justice of the said lord the king assigned to deliver his goal of Newgate of the prisoners being therein, came the said C. D. in his proper person, and surrendered him prisoner in the goal of the said lord the king of Newgate, for the county of Middlesex aforesaid, under the custody of William Goslin, kt. and Peter Vandeput, kt. sheriff of the co. of Middlesex aforesaid, who for the cause aforesaid, was brought there to the bar by the said sheriff, and was committed to the said sheriff, and forthwith being demanded of the felony and murder aforesaid, in the indictment aforesaid above specified, how he would acquit himself thereof, the said C. D. then and there said, that he was not guilty thereof, and thereof for good and evil he put himself upon the country, and thereupon by the said court then and there, the sheriff of the county of Middlesex aforesaid was commanded, that he should cause a jury immediately to come thereupon, before the said justices of the said lord the king

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king last-mentioned, to the said court of goal delivery there, and the jurors of the jury by the said sheriff, for that purpose returned and impanelled, to wit, Thomas Whisfield (and eleven others) being called came, who being elected, tried, and sworn to speak the truth of and concerning the premisses, then said

* P. 18. upon * their oath, that the aforesaid C. D. was guilty of manslaughter and of the felonious killing of the said H. G. in the indictment aforesaid named; and that the said C. D. had no goods or chattels, lands or tenements, to the knowledge of the jurors aforesaid, but the said jurors then said, that the said C. D. was not guilty of the murder aforesaid, to him charged in the indictment specified as the said C. D. for himself by pleading alledged, and that he never for the cause aforesaid fled, as by the record thereof in its full force and effect now being and among the records of the said court of goal-delivery, before the justices of the goal-delivery of Newgate, for the county aforesaid, at Justice-hall aforesaid, in the parish of St. Sepulchre, in the ward of Farrington without London, remaining, among other things in the said record mentioned more fully appears. And the said C. D. further saith, that no judgment of and upon the premisses is as yet given; and that he there then was, and as yet is a clerk; and then and there at the said goal-delivery, before the justices last mentioned, was ready to read as a clerk, if that court would admit him to his book in that behalf; and as yet is ready to read as a clerk in bar of any judgment of death upon the conviction of manslaughter aforesaid, and this he is ready to verify; wherefore he prays judgment, if the said M. G. her appeal ought to have or maintain against him, for the death of the said H. G. &c. with this, that the said C. D. will verify, that he the said C. D. now appealed, and the said C. D. in the indictment above specified named, and in form aforesaid convicted, are one and the same person, and not another nor a different person, and that the said H. G. for and concerning whose death, he the said C. D. now is appealed, and the aforesaid H. G. in the indictment aforesaid named, and for whose death the said C. D. in form aforesaid is convicted, are one and the same person, and not another nor a different person, and that the aforesaid wound, in the appeal aforesaid, by which it is supposed that the said H. G. was killed, and the aforesaid wound by which it is supposed in the indictment aforesaid, that the said H. G. was killed, are one and the same wound, and not another nor a different wound, and prays allowance of the premisses, &c. And as to the felony and murder aforesaid, the said C. D. saith, that he is not guilty thereof, and thereof for good and evil, he puts himself upon the country, and the said Mary doth the like, &c.

Net guilty as to the murder.

Demurrer. And the said Mary Goreing, as to the plea aforesaid, of the said Charles Decring of the conviction aforesaid, in manner and form aforesaid above, by pleading pleaded, saith, that

And

Appeals of Murder.

the the said Mary, by any thing, by the said Charles Deering thereupon above, by pleading pleaded, ought not to be precluded from having her appeal aforesaid against him the said Charles Deering, because the saith, that the plea aforesaid, by him the said Charles Deering, in manner and form aforesaid, in bar of the appeal aforesaid above by pleading pleaded, and the matter in the same contained, are not sufficient in law, to which plea she the said Mary hath no necessity, neither is she bound by the law of the land in any manner to answer, wherefore for want of a sufficient answer in this behalf the said Mary prays judgment, and execution to be had against the said C. D. of and upon the premises, &c.

H. Pollexfen.

* And the said Charles Deering, as to the plea of him the said C. D. of the conviction aforesaid, above-pleaded, saith, that the said plea in manner and form aforesaid above pleaded, and the matter in the same contained are good and sufficient in law, to preclude the said M. G. from having her appeal aforesaid against him, the said C. D. and entirely to defeat the said appeal, which plea and the matter therein contained, the said C. D. is ready to verify and to prove as the court, &c. And because the said M. G. to that plea doth not answer, nor it hitherto in any manner doth deny, the said C. D. as before prays judgment, &c. and that the said M. G. may be precluded from her appeal against him, the said C. D. And because the court of the said lord the king here, is not yet advised to give their judgment of and upon the premises, day thereupon is given to the parties aforesaid, before the said lord the king, to the octave of St. Hilary wheresoever, &c. to hear their judgment of and upon the premises, &c. because the court of the said lord the king, here thereupon not as yet, &c. And as to the trial of the issue aforesaid, between the parties aforesaid, above joined to be tried by the country, let the process thereupon cease, until that the matter aforesaid, in form aforesaid, above pleaded, by the judgement of the court, in some lawful manner be determined. And thereupon before the said lord the king at Westminster, comes E. S. of, &c. E. T. of, &c. and W. W. of, &c. in their proper persons, and mainprized to have the body of the said C. D. before the said lord the king, on the octave of St. Hilary aforesaid, wheresoever, &c. and so from day to day until, &c. to wit, each of the mainperners aforesaid, body for body, &c.

* P. 19.

Joinder

Continuan-
ces

Judgment was given for the plaintiff by all the judges (except Street justice) for that the court was not bound to ask the prisoner what he had to say, why judgment of death should not be given against him, so let him in to obtain the benefit of his clergy. This case is reported 3 Mod. 156; and mentioned, 2 Shower, 507; but vide the next case of Armstrong against Lisle, and the report thereof, where this case is mentioned, and the law now settled to be quite otherwise.

* Armstrong

Appeals of Murder.

* P. 20.

* *Armstrong v. Lisle.*

Michaelmas, 8 William III. Roll 561.

Appeal of Murder, by the brother and heir at law, by bill at the assizes.

Certiorari to remove the appeal into the King's Bench.

Cumberland. **T**HE lord the king hath sent to his justices To wit. **M**ade by his letters patent, to inquire by the oath of good and lawful men of the county of Cumberland, and by other ways, methods and means by which they might or could better know, of certain treasons, misprisions of treasons, insurrections, rebellions, counterteitings, clippings, washings, false coinings, and other falsities of the monies of this kingdom of England, and of other kingdoms and dominions whatsoever, and assigned to hear and determine certain murders, burglaries, manslaughters, killings, felonies, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, combinations, misprisions, confederacies, false allegations, and all other misdeeds, offences and injuries, whatsoever, and also to his justices assigned to deliver his goal of the county of Cumberland aforesaid, of the prisoners being therein, and to each and every of them, his writ in these words, to wit, William the 3d, by the grace of God of England, &c to our justices made, by our letters patent, to inquire by the oath of good and lawful men of the county of Cumberland, and by other ways, methods and means by which they could or might better know of certain treasons, misprisions of treason, insurrections, rebellions, counterteitings, clippings, washings, false coinings, and other falsities of the money of this kingdom of England, and of other kingdoms, and dominions whatsoever, and assigned to hear and determine certain murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words, combinations, misprisions, confederacies, false allegations, and all other misdeeds, offences and injuries whatsoever, and also to our justices assigned to deliver our goal of the county of Cumberland aforesaid, of the prisoners being therein, and to each and every of them greeting, We willing for certain causes, that all and singular indictments, inquisitions, records, convictions and appeals of certain felonies, murders and manslaughters, whereof Thomas Lisle is indicted, charged, appealed or convicted before you, and also that all indictments and records of acquittal, against the form of the statute made for the taking away of the benefit of clergy, from manslaughter in certain cases, whereof the said

Thomas

Appeals of Murder.

Thomas Lisle is indicted and acquitted before you, as it is said, be determined before us and not elsewhere, command you and each and every of you, that you or one of you send all and singular indictments, inquisitions, records, convictions and appeals, and records of acquittal aforesaid, with all things touching them by whatsoever name the said T. L. is named in the same, under your seals, or under the seal of one of you, before us at Westminster, on Thursday in 15 days of St. Martin, together with this writ, that we may cause to be done further thereupon, that which of right, according to the law and custom of our realm of England, we shall see to be done. Witness John Holt, kt. at Westminster, the * 6th day of November, in the 8th year of our reign. Winter, Astry. The answer of Edward Ward, kt. chief baron of the Exchequer, and one of the justices within specified; the execution of this writ appears in a certain schedule to this writ annexed, Edward Ward.

P. 21.

The return.

Cumberland, to wit.—Be it remembered, that at the general delivery of the goal of the lord the king, of his county of Cumberland, held for the county of Cumberland aforesaid, at the city of Carlisle, in the county aforesaid, on Saturday the 15th day of August, in the 8th year of the reign of our lord William the 3d, king, &c. before Edward Ward, kt. chief baron of the Exchequer, and John Turton, kt. one of the justices of the said lord the king assigned to hold pleas before the king himself, justices of the said lord the king, assigned to deliver his goal there of the prisoners being therein, John Armstrong, brother and heir of Richard Armstrong, deceased, in his proper person by his bill without writ, instantly appealeth Thomas Lisle, in the custody of John Ponsonby, Esquire, sheriff of the county aforesaid, brought here to the bar in his proper person, of the death of the aforesaid Richard Armstrong his brother, and there are pledges to prosecute the said bill, to wit, John Doe and Richard Doe, which bill follows in these words, to wit, Cumberland to wit, John Armstrong, brother and heir of Richard Armstrong, late of Pedderhill, in the county of Cumberland, gent. deceased, in his proper person instantly appealeth Thomas Lisle, late of, &c. gent. for this, that when the said R. A. was in the peace of God, and the said lord the king at the city of Carlisle, in the county aforesaid, on the 4th day of November, in the 7th year of the reign of the lord William the 3d, the now king, &c. about the eleventh hour after mid day of the said day, there then came the said T. L. feloniously, as a felon of the said lord the now king, lying in wait, and with premeditated assault, against the peace of the said lord the now king his crown and dignity, on the same day, year, hour and place, and then and there, with force and arms, &c. feloniously, wilfully, and of his malice aforethought, upon him the said R. A.

The bill of appeal.

D

did

Appeals of Murder.

did make an assault, and the said T. L. with a certain sword, called a rapier, made of iron and steel, of the value of five shillings, which he the said T. L. then and there, had and held drawn, him the said R. A. in and upon the left part of the body of him the said R. A. above and nigh the left pap of him the said R. A. then and there violently, feloniously, wilfully, and of his malice aforethought, did strike, stab and thrust, (which R. A. at that time had not any weapon drawn, nor then had first struck the said T. L.) and he the said T. L. then and there with the sword aforesaid, feloniously, wilfully, and of his malice aforethought, did give to the said R. A. in and upon the said left part of the body of the said R. A. above and nigh the said left pap of the said R. A. one mortal wound of the breadth of half of one inch, and of the depth of seven inches, of which mortal wound the said R. A. then and there instantly died, and so the said T. L. on the said 4th day of November, in the 7th year of the reign of the said lord the now king, about the eleventh hour after mid-day, of the said day, at the city of Carlisle aforesaid, in the county aforesaid, in manner and form aforesaid, feloniously, wilfully, and * of his malice aforethought, him the aforesaid R. A. who had not any weapon drawn, nor had first struck the said T. L. as aforesaid, did kill, slay and murder against the peace of the said lord the now king, his crown and dignity, &c. and as soon as the said felon, the felony and murder aforesaid had committed, he fled, and the aforesaid J. A. him freshly pursued from vill to vill, unto the four nearest villis, and further until, &c. and if the said felon the felony and murder aforesaid, to him in form aforesaid, charged will deny the said J. A. is ready to prove this against him, as the court, &c. on which Thursday, in 15 days of St. Martin, before the lord the king, at Westminster, the said T. L. under the custody of the sheriff of Cumberland, was brought here to the bar, by virtue of the writ of the said lord the king, to the said sheriff in that behalf directed, to have the body of the said T. L. then before the said lord the king, wheresoever, &c. to answer, &c. and to do and to receive, &c. and thereupon the said T. L. for the cause aforesaid, upon the appeal aforesaid, returned as aforesaid, by the said court of the said lord the king, before the king himself, was immediately committed to the marshal of the marshalsea of the said lord the king, before the king himself, there to remain of and upon he premisses, until, &c. And afterwards to wit, on the octave of the purification of the blessed Virgin Mary, in the term of St. Hilary next following, comes the said T. L. in the custody of the marshal, &c. and prays the writ of the lord the king, to be directed to the sheriff of Cumberland, to forewarn the said J. A. to be before the said lord the king to prosecute his appeal, &c. and it is granted to him; whereupon, the sheriff of the county of Cumberland aforesaid,

* P. 22.

Defendant brought into the King's Bench, by the sheriff of Cumberland, on a habeas corpus, and committed to the marshal.

Scire facias against the appellant to prosecute.

Appeals of Murder.

aforesaid, is commanded, that by good, &c. he give notice to the said J. A. that he be before the said lord the king, from the day of Easter, in fifteen days, wheresoever, &c. to prosecute his appeal aforesaid. At which day, before the king at Westminster, comes the said T. L. under the custody of the marshal, &c. and the sheriff of the county of Cumberland aforesaid, returns that by virtue of the writ aforesaid, to him directed, by good, &c. that he hath given notice to the said J. A. to be before the lord the king, at the day aforesaid, wheresoever, &c. to prosecute his appeal aforesaid; and the said J. A. when solemnly called, comes in his proper person, and saith that he is ready to prosecute his appeal against the said T. L. and prays that the said T. L. may jo to it thereupon answer, &c. and the said T. L. defends the force and injury, when, &c. and all the felony and murder, and whatsoever, &c. and saith that the said J. A. ought not to maintain his appeal against him the said T. L. for the death of the said R. A. because he saith, that heretofore, to wit, at the general delivery of the goal of the lord the king, for his county of Cumberland, holden for the county of Cumberland aforesaid, at the city of Carlisle, in the said county on Saturday the 15th day of August, in the 8th year of the reign of the lord William, &c. before E. W. kt. chief baron of the Exchequer, of the said lord the king, and J. T. kt. one of the justices of the said lord the king, assigned to hold pleas before the king himself, justices of the said lord the king, assigned to deliver his goal there of the prisoners being therein, &c. by the oath of Sir John Ballanton, kt. (and 21 others) good and lawful men of the county aforesaid, sworn and charged to inquire and present for the said lord the king, and for the body of the county aforesaid, it was presented, that T. L. late of, &c. gent. not having the fear of God before his eyes, but being moved and seduced by the *insligation of the devil, on the 4th day of November, in the 7th year of the reign of our lord William, &c. with force and arms, &c. at the city of Carlisle, in the county aforesaid, in and upon one Richard Armstrong, in the peace of God, and of the said lord the king, then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault, and that the said T. L. then and there, with a certain sword, of the value of 5s. which he the said T. L. then and there, in his right hand, had and held drawn, him the said R. A. in and upon the left part of the body of him the said R. A. above and nigh to the left pap of him the said R. A. then and there, violently, feloniously, wilfully, and of his malice aforethought, did strike, slab and thrust in, giving to the said R. A. then and there, with the drawn sword aforesaid, in and upon the said left part of the body of him the said R. A. and above and nigh to the said left pap of him the said R. A. one mortal wound, of the breadth of half

Seire facias
returned.

Appellant
appears.

Defendant
pleads in
bar, that he
was on an
indictment
convicted
of man-
slaughter,
and prayed
his clergy
at the ass.

zes, that
after the
removal of
the appeal
into the
King's
Bench, he
there prayed
it again,
and it was
allowed,
and he
* P. 23.
thereupon
was burnt
in the hand

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of one inch, and of the depth of seven inches, of which mortal wound, the said R. A. then and there instantly died, and so the jurors aforesaid, upon their oath aforesaid, did say that the said T. L. him the said R. A. in manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder against the peace of the said lord the now king, his crown and dignity, &c. And the said T. L. then and there under the custody of John Ponsonby, Esquire, at that time sheriff of Cumberland aforesaid, into whose custody for the cause aforesaid, he had been formerly committed, came before the said justices, brought to the bar in his proper person, and forthwith being demanded of the premisses above, by the indictment aforesaid, charged against him, how he would acquit himself thereof, the said T. L. then said that he was not guilty thereof, and thereof for good and evil put himself upon the country; and the jurors of the jury thereupon, by the sheriff of the county aforesaid, in that behalf, then and there returned and impanelled, to wit, John Bullman, gent. (and 11 others) being called, came, who being elected, tried and sworn to speak the truth of and concerning the premisses, then upon their oath said, that the said T. L. was not guilty of the murder aforesaid, in the indictment aforesaid, above specified, in the manner and form, as he the said T. L. above by pleading alledged, nor that he ever fled for that cause, but the said jurors upon their oath aforesaid, then and there said that the said T. L. was guilty of felony and manslaughter only, to wit, of the felonious killing of the said R. A. and that he the said T. L. had no goods or chattles, lands or tenements, at the time of the perpetration of the felony and manslaughter aforesaid, or at any time afterwards, to the knowledge of the said jurors, as by the record thereof, in its full force and effect now being among other things more fully appears, [which record the lord the now king, for certain causes, hath caused to come into his court here, before the king himself, by virtue of his writ of certiorari, and which in the said court of the said lord the king, before the king himself, among the indictments of the term of St. Hilary, in the 8th year of the reign of the said lord the king, now remains filed of record] And the said T. L. further saith, that no judgment of and upon the premisses aforesaid, in the indictment aforesaid to him above charged at the said general delivery of the goal, was given, but the said T. L. further saith, that he the said T. L. then was and yet is a clk. and then and there, at the said general delivery of the goal of the county of Cumberland aforesaid, before the said justices assigned to deliver the said goal, prayed the benefit of clergy might be allowed to him for the manslaughter aforesaid, whereof, by the jury of the county as aforesaid, then he was convicted, and he presented himself ready to read as a clerk, if the said court would admit him to his

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book in that behalf; and the said T. L. further saith, that some time ago, to wit, on the Monday next after the morrow of the purification of the blessed virgin Mary, in the term of St. Hilary, in the 8th year of the reign of the said lord the now king, he the said T. L. in his proper person, came here into the court of the said lord the king, before the king himself, in the custody of the marshal of the marshalsea of the said lord the king, which said T. L. was committed to the custody of the said marshal (into whose custody the said T. L. before that time, to wit, on Thursday in 15 days of St. Martin last past, brought here to the bar by virtue of a writ of the said lord the king, to have the body of the said T. L. in the court of the said lord the king, &c. to the sheriff of the county of Cumberland aforesaid directed, was by the court aforesaid committed) and immediately by the said court here being demanded, if he had or knew any thing to say for himself, wherefore the said court of the lord the king, before the king himself, should not proceed to judgment and execution against him the said T. L. of and upon the premisses in the said record of conviction of manslaughter against him the said T. L. for the death of the said R. A. (which record the said lord the king for certain causes heretofore, into the said court of the said lord the king, before the king himself, hath caused to come by his writ of certiorari as aforesaid, and which record in the said court of the said lord the king, before the king himself, at that time remained, and now still remains) he the said T. L. then and there said that he was a clerk, and there prayed the benefit of clergy to be allowed him in that behalf, and thereupon by the court aforesaid, the book being delivered to the said T. L. then and there, the said T. L. then and there read as a clerk, and then and there it was considered by the court aforesaid, that the said T. L. should be burned in his left hand, and the said T. L. then and there was burned in his left hand, as by the record thereof, in the said court of the said lord the king, before the king himself, more fully appears, and this the said T. L. is ready to verify, wherefore he prays judgment if the said J. A. ought to have or maintain his appeal aforesaid, against the said T. L. of the death aforesaid, &c. with this, that said T. L. will verify, that he the said T. L. now appealed, and the said T. L. in the indictment above-named, and in the form aforesaid, convicted and burned, are one and the same person, and not another, nor different, and that the aforesaid R. A. for whose death the said T. L. is now appealed, and the said R. A. in the indictment aforesaid above-named, and for whose death the said T. L. in form aforesaid, was convicted, are one and the same person, and not another nor different, and that the wound of which in the appeal aforesaid, it is supposed that the said R. A. died, and the wound aforesaid, of which in the indictment aforesaid, it is supposed that the
said

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* P. 25.

Not guilty
as to the
murder.

R. A. died, are one and the same mortal wound, and not another or different, and prays the allowance of the premises aforesaid. And as to the felony and murder aforesaid, the said T. L. saith, * that he is not guilty thereof, and thereof for good and evil puts himself upon the country, and the aforesaid J. A. doth the like, &c.

R. Webb.

St. John Broderick.

Replication
that the de-
fendant re-
fused to
plead at the
assizes.

And the aforesaid J. A. as to the plea of the said T. L. of conviction aforesaid, in manner and form aforesaid, above pleaded, saith, that he by any thing by the said T. L. above by pleading alledged, ought not to be precluded from having his appeal aforesaid, of the death of R. A. his brother aforesaid, against the said T. L. because, by protesting, not acknowledging any such record as the said T. L. above, by pleading hath alledged in bar of appeal aforesaid, for plea the said J. A. saith, that after the bill aforesaid, of the appeal aforesaid, before the justices aforesaid, at the said court of general goal delivery was preferred, he the said J. A. without delay, prosecuted the said bill of appeal, in the said court of general goal delivery, before the justices aforesaid, and then and there instantly prayed that the said T. L. to the bill of appeal, so preferred and prosecuted as aforesaid, at the said then present general goal delivery should answer, and the said T. L. having had oyer of the bill of appeal aforesaid then appeared gratis, but to the bill of appeal aforesaid, entirely refused to plead or to answer during the general goal delivery aforesaid, as by the record thereof, among other things more fully appears, [which record the lord the king for certain causes, here into his court before the king himself, by his writ of certiorari hath caused to come, and which in the said court of the lord the king, before the king himself now remains] and this the said J. A. is ready to verify, wherefore, he prays judgment and execution upon the premises, to be awarded against the said T. L. &c.

Bartholomew Shower.
John Chesire.

Demurrer.

And the said T. L. by protesting, not acknowledging, any such record as the said J. A. above, by replying hath alledged, for plea the said T. L. saith, that the plea aforesaid, of the said J. A. in manner and form aforesaid, above by replying pleaded, and the matter therein contained are not sufficient in law for him the said J. A. to have or maintain his appeal aforesaid, against the said T. L. and that he the said T. L. to the plea aforesaid, in manner and form aforesaid above, by replying pleaded, hath no necessity, neither is he bound by the law of the land, in any manner to answer, and this he is ready

to

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to verify, wherefore, for want of a sufficient replication of the said J. A. in this behalf, he the aforesaid T. L. (as before) prays judgment, &c. and that the said J. A. may be precluded from having his appeal aforesaid, against the said T. L., and that the said T. L. by the court, may be dismissed of the premisses, &c.

R. Webb.

St. John Broderick.

And the said J. A. saith, that the plea aforesaid, by him Joinder. the said J. A. in manner and form aforesaid above by replying pleaded, and the matter therein contained are * good and * P. 26. sufficient in law, for him the said J. A. to have and maintain his appeal aforesaid, against the said T. L. which plea, and the matter therein contained, the said J. A. is ready to verify, and prove as the court, &c. wherefore, because the said T. L. to that plea doth not answer, nor it hitherto in any manner doth deny, the said J. A. as before prays judgment and execution upon the premisses to be awarded, against the said T. L. &c. And because the court of the said lord the now *Curia advi-* king, here, are not yet advised to give their judgment, of and *sari vult* upon the premisses, whereupon the parties aforesaid above, *usque Tri-* have put themselves upon the judgment of the court, day *nitat.* thereupon is given to the parties aforesaid, before the said lord the king, until the morrow of the Holy Trinity, wheresoever, &c. to hear their judgment of and upon the premisses, because the court of the said lord the now king. here thereof, not as yet, &c. to wit, to the said T. L. in the custody of the marshal, &c. and as to the trial of the issue aforesaid, between *Cessat pro-* the parties aforesaid above-joined, to be tried by the country, *cessus as to* let the process thereupon cease, until the matter aforesaid, in *the issue of* the form aforesaid pleaded by the judgment of the court be *not guilty.* determined in some lawful manner, &c. and thereupon before the said lord the king, come W. L. of, &c. B. H. of &c. *Defendant* W. B. of, &c. and J. W. of, &c. in their proper persons, and *bailed.* mainprised, and each of them mainprised to have the body of the said T. L. before the said lord the king, at the same term, and so from day to day until, &c. to wit, each of the mainpernors aforesaid, body for body, &c. and thereupon the said J. A. according to the form of the statute in such case made and provided, puts in his place Michael Johnson, his *Attorney* attorney, to prosecute his appeal aforesaid, against the said *admitted for* Thomas Lisle, &c. at which day, before the lord the king at *the Appel-* Westminster, come as well the said J. A. by his attorney *lant.* aforesaid, as the aforesaid Thomas Lisle, in his proper person, but because that the court of the said lord the now king here, are not yet advised to give their judgment of and upon the premisses, whereupon the parties aforesaid, have put themselves upon the judgment of the court, therefore day is given

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*Curia adv-
sari usque
Michaelmas* as well to the aforesaid J. A. as to the said T. L. to wit, to the said T. L. by the bail as before, &c. before the said lord the king, from the day of St. Michael, in three weeks, wheresoever, &c. to hear their judgment of and upon the premisses, because that the court of the said lord the now king here, thereupon, not as yet, &c. and as to the trial of the issue aforesaid, between the parties aforesaid above-joined, to be tried by the country, let the process thereupon cease, until the matter aforesaid, in the form aforesaid pleaded by the judgment of the court, be determined in some lawful manner.

*Cessat pro-
cessus.* At which day before the lord the king at Westminster, comes as well the said J. A. by his attorney aforesaid the said T. L. in his proper person, whereupon all and singular the premisses being seen, and by the court of the said lord the now king here, more fully understood, and mature deliberation being thereupon had, because that it seems to the court of the said lord the now king here, that the plea aforesaid by the said J. A. in the manner and form above, by replying pleaded, and the matter therein contained, are not sufficient in law, for him the said J. A. to have or maintain his appeal aforesaid, against the said T. L. it is considered that the said J. A. take nothing by his bill of appeal aforesaid, but for his false plaint be thereupon taken, and that the said T. L. may go thence without day, &c.

*Judgment
for the de-
fendant.*

This case is elaborately and learnedly reported by the Lord Chief Justice Holt, in Keyling's Reports, 93.

* P. 27.

* Orbell, (widow) *against* Ward.

Hilary, 3 & 4 of James II.

Appeal by *Middlesex*, **G**EORGE Ward, late of the parish of St. James, writ, by the To wit, **G** Westminister, in the county of Middlesex, gt. the widow of was attached by his body, to answer Elizabeth Orbell, widow, of the deceased who was the wife of Isaac Orbell, gentleman, of the death of the said Isaac Orbell, heretofore her husband, whereof she appealeth him, and there are pledges to prosecute, to wit, J. B. &c. and thereupon the said Elizabeth, by F. H. her attorney, according to the form of the statute, in such case made and provided, instantly appealeth the said G. W. for this, that when the said Isaac Orbell was in the peace of God, and of

our

Appeals of Murder.

our lord the king, in the parish of St. James, within the liberties of Westminster, in the county aforesaid, on the 13th day of July, in the 3d year of the reign of our lord James the 2d, &c. on the ninth hour after mid-day, of the said day, there to wit; at the parish of St. James, within the liberties of Westminster, in the county aforesaid, came the said George Ward, feloniously, and as a felon of the said lord the now king, wilfully, and of his malice aforethought, and with premeditated lying in wait, against the peace of the said lord the now king, his crown and dignity; on the 13th day of June, in the 3d year of the reign of our said lord the now king, at the ninth hour, after mid-day of the said day, and in and upon the said I. O. then with force and arms, &c. at the parish, &c. in the county aforesaid, did make an assault, and the said G. W. then and there, with a certain sword, of the value of 5s. which he the said G. W. then and there, to wit, on the 13th day of June, in the 3d year of the reign of our lord James the 2d, at the parish aforesaid, and in the county aforesaid, in his right hand, had and held, him the said I. O. in and upon the left part of the belly, of him the said I. O. nigh to the navel of him the said I. O. then and there feloniously, wilfully, and of his malice aforethought, did strike, and thrust, and gave to the said I. O. then and there, in and upon the said left part of the belly of him the said I. O. then and there, nigh to the said navel of him the said I. O. with the sword aforesaid, one mortal wound, of the breadth of half of one inch, and of the depth of six inches, of which mortal wound, the said I. O. from the 13th day of June, in the 3d year aforesaid, until the 16th day of the said month of June, in the 3d year aforesaid, at the parish aforesaid, in the county aforesaid, did languish, and languishing did live; and then to wit, on the said 16th day of June, in the 3d year aforesaid, at the parish aforesaid, &c. and in the county aforesaid, &c. he the said I. O. of the mortal wound aforesaid, died, and so the said G. W. him the said I. O. on the said 16th day of June, in the 3d year aforesaid, at the parish aforesaid, and in the county aforesaid, in the manner and form aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of the said lord the now king, his crown and dignity, and as soon as the said G. W. the felony and murder aforesaid, had committed, he the said G. W. fled, and she the said Elizabeth him freshly pursued, from vill to vill, unto the four nearest vills, and further until &c. and if the said G. W. the felony and murder aforesaid, to him in form aforesaid, charged will deny, the said Elizabeth is ready to prove it against him, as the court, &c.

* And the said George Ward comes in his proper person, * P. 28.
and prays oyer of the writ of appeal aforesaid, and the re-
E Prayer of
turd oyer of the

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writ of appeal, and of the return thereof against the defendant, by the name of George Ward, late of the parish of St. James Westminster.

turn of the said writ, and they are read to him in these words, "To the sheriff of Middlesex, greeting, for as much as Elizabeth Orbell, who was the wife of Isaac Orbell, hath given us security to prosecute her complaint, by J. B. late of the parish of St. James, Westminster, in your county, gentleman, and R. O. of, &c. therefore, we command you, that you attach George Ward, late of the parish of St. James, Westminster, in your county, gentleman, by his body, according to the law and custom of England, so that you may have him before us, on the octave of St. Hilary, wheresoever, &c. to answer to the said Elizabeth, of the death of the said I. O. heretofore her husband, and whereof she appealeth him, and have there then this writ, witness, &c." The execution of this writ appears in a certain schedule to this writ annexed, the answer of Basill Firebass, kt. and J. P. kt. sheriff, Middlesex, to the said writ, I, B. F. and J. P. sheriff of the county of Middlesex, to the said lord the king at Westminster, humbly certify, that by virtue of the said writ to me directed, which is annexed to this schedule, I attached the said George Ward, in the said writ named, by his body, according to the law and custom of England, whose body in the prison of the said lord the king, under my safe custody, I had and detained until afterwards, to wit, on the 21st day of December, in the 3d year of the reign of our lord James the 2d, &c. I received a certain writ, of the said lord the king, of habeas corpus cum causa, to me directed, to have the body of the said G. W. before Robert Wright, kt. chief justice of the said lord the king, assigned to hold pleas in the court of the said lord the king, before the king himself, at his chamber, situate in Serjeant's-inn, in Chancery-lane, London, immediately after the receipt of the said writ; by virtue of which writ, on the receipt thereof, and immediately after, to wit, on the 20th day of December aforesaid, I had in my safe custody before the chief justice aforesaid, at the time aforesaid, the body of the said George Ward, together with the day and cause of the caption and detention of the said George Ward, in the form aforesaid, which chief justice then received from me, the body of the said G. W. charged with the cause aforesaid, and me exonerated from any further custody of the said G. W. therefore I cannot have the body of the said G. W. before the said lord the king, at the day and place in the writ aforesaid contained, according to the command of that writ, by the said sheriff; which being read and heard the said George Ward, by C. G. his attorney, defends the force and injury, when, &c. and all the felony, and whatsoever, &c. and prays judgment of the original writ aforesaid, because he saith that he the said G. W. by the said writ is appealed by the name of G. W. late of the parish of St. James, Westminster, in the county of Middlesex, gentleman, whereas in truth and in fact, within the county of Middlesex, there is a certain parish known and called by the name of the parish of St. James, within the liberties of Westminster, but in the said

Defendant
pleads in
abatement
that there is

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said county of Middlesex, there is not had, nor on the day of ^{no} such the suing out the original writ of appeal aforesaid, or ever parish. afterwards was there had any parish, vill or place, called or named by the name of the parish of St. James, Westminster only, as the said Elizabeth by her writ aforesaid supposes, and this the said G. is ready to verify, wherefore he prays judgment of the said writ, and that the writ aforesaid may be quashed.

*H. Pellexfen.
Samp. Ward.*

* And the said Elizabeth Orbell saith, that the plea afore-^{* P. 29.} said, of the said G. W. above pleaded, and the matter there-^{Demurrier.} in contained, are not sufficient in law to quash the writ aforesaid, and that she to the plea aforesaid, of the said G. W. in manner and form aforesaid pleaded hath no necessity, neither is she bound by the law of the land to answer the said plea, and this she is ready to verify, wherefore, for want of a sufficient answer in this behalf, the said Elizabeth prays judgment against the said G. W. of and upon the premisses, and that the said writ may be adjudged good, &c.

Creswell Levinz.

And the said G. W. saith, that the plea aforesaid, by him Joinder. the said G. W. in abatement of the original writ aforesaid above pleaded, and the matter therein contained, are good and sufficient in law to quash the original writ aforesaid, of the said E. O. which plea, and the matter therein contained, the said G. is ready to verify and prove as the court, &c. and because the said Elizabeth doth not answer the said plea, nor it in any manner hitherto doth deny the said G. as before prays judgment, and that the said writ may be quashed, &c. And because the court of the said lord the king here, are not yet advised to give their judgment of and upon the premisses, therefore day is given to the parties aforesaid, before the said lord the king, from the day of Easter in 15 days, wheresoever, &c. to hear their judgment of and upon the premisses, because the court of the said lord the now king here, thereupon not as yet, &c.

Curia advisare.

*Judgment for the defendant. Reported Shower's Reports 47.
2 Salk. 59.*

Appeals of Murder.

Killegrew against Vincent.

Pleas before the lord the king, at Westminster, of the term of the Holy Trinity, in the 4th year of the reign of the lord James the 2d. the now king of England, &c.

Appeal by the widow of the deceased. Not guilty pleaded, and at the trial at the assises the defendant was found not guilty.

Cornwall. **B**E it remembered, that on Friday next after the To wit. **B**E Morrow of the Holy Trinity, in this same term, before the lord the king, at Westminster, came Ann Killegrew, widow, who was the wife of George Killegrew, late of &c. esquire, in her proper person, and brought here into the court of the said lord the king then there, her certain bill against Walter Vincent, late of, &c. esquire, in the custody of the marshal, &c. of the death of the said G. K. heretofore her husband; and there are pledges to prosecute, to wit. W. T. of, &c. baronet, and F. T. of, &c. esquire; which bill follows in these words, to wit,—**Cornwall, to wit. A. K.** widow, who was the wife of G. K. late of, &c. esquire, instantly appealeth, W. V. late of, &c. esquire, being in the custody of the marshal of the marshalsea, of the lord the king, before the king himself, for this, that when the said G. K. was in the peace of God and of the said lord the king, at the vill of, &c. in the county of Cornwall aforesaid, on the 20th day of March, in the 4th year of the reign of our lord James the 2d, the now * king, &c. at the 7th hour after mid-day, of the said day there to wit, at the vill &c. in the co. of Cornwall aforesaid, came the said W. V. feloniously, and as a felon of our said lord the now king, wilfully, and of his malice aforethought, and with premeditated lying in wait, against the peace of the said lord the now king, his crown and dignity, on the 20th day of March, in the 4th year of the reign, &c. at the 7th hour after mid day of the said day, and in and upon the said G. K. then with force and arms, &c. at, &c. in the county of Cornwall aforesaid, did make an assault, and the said W. V. then and there with a certain sword, of the value of 5 shillings, which he the said W. V. then and there, to wit, on the 20th day of March aforesaid, in the 4th year of the reign, &c. at, &c. in his right-hand had and held, him the said G. K. in and upon the right side of the body of him the said G. K. under the right arm of him, the said G. K. then and there feloniously, wilfully, and of his malice aforethought, did strike
and

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and thrust, and gave to the said G. K. then and there with the sword aforesaid, one mortal wound of the breadth of one inch, and of the depth of eight inches, of which mortal wound the said G. K. then and there instantly died, and so the aforesaid W. V. him the said G. K. on the said 20th day of March, in the 4th year, &c. at, &c. in the manner and form aforesaid, feloniously, wilfully and of his malice aforethought, did kill and murder, against the peace of the said lord the now king, his crown and dignity: and as soon as the said W. V. had committed the felony and murder aforesaid he fled, and the said Ann him freshly pursued from vill to vill, unto the four nearest villis, and further until, &c. And if the said W. V. the felony and murder aforesaid, to him in manner and form aforesaid charged will deny, the said Ann is ready to prove this against him, as the court, &c.

And the said Walter Vincent comes in his proper person, and defends the force and injury, when, &c. and all the felony and murder, and whatsoever, &c. and saith that he is not guilty thereof, and thereof, for good and evil, puts himself upon the country, and the said Ann doth the like; therefore let a jury come before the lord the king at Westminster, on the Wednesday next after three weeks of the Holy Trinity, who neither, &c. to recognize, &c. because as well, &c. The same day is given to the parties aforesaid there, &c. and thereupon before the lord the king at Westminster, comes A. B. of, &c. C. D. of, &c. G. H. of, &c. in their proper persons, and mainprized to have the body of the said W. V. before the said lord the king, at Westminster, on the said day, and so from day to day until that, &c. each of the mainpernors aforesaid, body for body.

* Pleas before the lord the king at Westminster, of the term * P. 31.
of the Holy Trinity, in the 4th year of the reign of the lord James the 2d the now king of England, &c.

Cornwall, to wit.—The jury between A. K. widow, who was the wife of G. K. late of, &c. esq; appellant, by her attorney, and W. V. late of, &c. esq; to recognize upon their oath, whether the said W. V. be guilty of the death of the said G. K. heretofore the husband of the said Ann, whereof she the said Ann hath appealed him in the court of the said lord the king before the king himself, or not, is respited, before the said lord the king at Westminster, until the Tuesday next after three weeks of St. Michael, unless the justices of the said lord the king, assigned to take assizes in the county aforesaid, shall first come, to wit, on Monday the 20th day of August, at Launceston, in the county aforesaid, by the form of the statute, &c. for the default of jurors, &c. therefore let the sheriff have

Plea not
guilty.

The Jurata.

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have their bodies, &c. The same day is given to the parties aforesaid, to wit, to the said W. V. by his bail as before, &c.

Postea.

Afterwards at the day and place within contained, before Edward Atkyns, knt. chief baron of the Exchequer of the lord the king, and R. B. knt. one of the justices of the said lord the king, assigned to hold pleas before the king himself, according to the form of the statute, &c. come as well the within written A. K. widow, as the within mentioned W. V. esq; in their proper persons, and the jurors of the jury, whereof mention is within made, being called likewise come, who being elected, tried and sworn to speak the truth of and concerning the premisses within contained, say upon their oath, that the said W. V. is not guilty of the felony and murder within written, as the said W. V. within thereupon, by pleading hath alledged, therefore, &c.

Not guilty.

The Distringas Juratorum in an appeal.

James, &c. to the sheriff of Cornwall, greeting. We command you, that you distrain William Vivian, esquire, and the other jurors summoned in our court before us, between A. K. widow, who was the wife of G. K. late of, &c. appellant, and W. V. late of, &c. to recognize upon their oath whether the said W. be guilty of the death of the said G. heretofore the husband of the said A. whereof the said A. hath appealed him in our court before us, or not, by all their goods and chattels within their bailiwick, so that neither they, nor any by them, lay hands on them until that you shall have other command from us thereupon, and that you answer to us of the issues of the same, so that you have their bodies before us on the Tuesday next after three weeks of St. Michael, or before our justices assigned to take assises in your county, if they shall first come on Monday the 20th day of August, at Launceston, in your county, according to the form of the statute in that case made and provided, to make the said jury, and to hear their judgment of many defaults: and have you there the names of the jurors and this writ. Witness, R. Wright, kt. at Westminster, the 4th day of July, in the fourth year of our reign.

Henly.

Appeal of Robbery.

Appeal of Robbery.

* P. 32.

H. B. against J. O.

31 Charles the 2d.

Derby, **A**ND the said H. saith, that the said J. ought Counter-
To wit, **A** not to be admitted to wage battle in this appeal plea to a
with the said H. because he saith that heretofore, to wit, at the ^{wager of}
general sessions of the peace, for the town of D. aforesaid, in ^{battle, on}
the county aforesaid, holden on the 7th day of June, in the ^{not guilty,}
31st year, &c. at the town of D. aforesaid, at the Guildhall ^{pleaded to}
there, before R. W. esq; mayor of the lord the king of the town ^{an appeal of}
aforesaid, S. D. knt. recorder of the town, and others their fel- Robbery.
lows, justices of the said lord the king, to preserve the peace
there, and also assigned to hear and determine divers felonies,
trespasses and other misdeeds, within the town aforesaid per-
petrated, by the oath, I. D. gent. L. S. gent. &c. good and
lawful men of the said town, then and there sworn and charged
to enquire for the said lord the king, and the body of the town
aforesaid, it was presented, that the said J. O. by the name,
&c. on the 10th day of March, in the 31st year, &c. with force
and arms at the town of D. aforesaid, in the county aforesaid,
the shop of H. D. in the town aforesaid, in the county aforesaid,
adjoining to the mansion-house of the said H. B. in the
town of D. aforesaid, and parcel of the said mansion-house,
(Hellen the wife of the said H. then being in the said mansion-
house) feloniously entered, and twenty snaffles, of the value
of 8s. 4d. seven pair of spurs, of the value of 6s. 11d. two
whips, of the value of 6s. two surcingles, &c. of the proper
goods and chattels of the said H. B. then and there found,
feloniously did steal, take, and carry away, against the peace
of the said lord the now king his crown and dignity; the
record of which indictment, now for certain causes is transmitt-
ed into the court of the said lord the king, before the king
himself, by virtue of the writ of the said lord the king, of
certiorari,

Indictments for Felony.

certiorari, and now here in the said court of the said lord the king himself, remains of record, as by the record here in the said court of the said lord the king, now remaining fully appears; and this he is ready to verify by the said record; wherefore he prays judgment, and that the said J. O. may not be admitted to wage battle, with this that the said H. will to verify that the said J. O. in the indictment aforesaid, and the said J. O. now appealed, is one and the same person, and not another nor different person, and that the goods and merchandize in the indictment aforesaid, above specified, and the goods and merchandize in the appeal of the said H. B. above mentioned, are the same goods and merchandize, and not other nor different.

Simon Degge.

See Pulton de pace Regis et Regni, 185 b. to 187 b, Staunford's Pleas of the Crown, 173 b, for what causes the appellant shall counterplead battle, and that an indictment found is a good counterplea.

* P. 33.

* *Indictments for Felony.*

The King against Ringrose.

Indictment
for Felony,
on the stat.
22 & 23 C.
2, c. 1.
commonly
called the
Coventry
Act
against the
person who
did the fact,
and the
aiders and
abettors.

To wit. **T**HE jurors, &c. that D. R. of, &c. W. D. of, &c. and M. D. of &c. on the 21st of February, in the 29th year, &c. not having the fear of God before their eyes, but contriving and maliciously intending one J. R. then and as yet being a subject of our said lord the king, to maim and disfigure, with force and arms, &c. at, &c. in and upon the said J. R. then and as yet being a subject of our said lord the now king, on purpose, and of their malice aforethought, and by lying in wait, unlawfully and feloniously did make an assault, and that the said D. R. with a certain knife, of the value of 1d. which he the said D. R. then and there, in his right hand had and held, then and there with force and arms, &c. on purpose, and of his malice aforethought, and by lying in wait, unlawfully and feloniously did cut and disable.

Indictments for Felony.

disable the right eye of her the said J. R. with intention in so doing, to maim and disfigure her the said J. R. and the jurors aforesaid, further say upon their oath aforesaid, that the said W. D. and M. D. with force and arms, &c. on purpose, and of their malice aforethought, and by lying in wait, unlawfully and feloniously then and there, were present, abetting, assisting and comforting the said D. R. to commit and perpetrate the felony aforesaid, in manner and form aforesaid committed, and so the jurors aforesaid, upon their oath aforesaid, further say, that the said D. R. W. D. and M. D. on the 20th day of February, in the 29th year, &c. at, &c. with force and arms, &c. on purpose, and of their malice aforethought, and by lying in wait, unlawfully and feloniously did do, commit and perpetrate, and each of them did do, commit and perpetrate the felony aforesaid, in form aforesaid committed upon the said J. R. against the form of the statute, &c. and against the peace, &c.

The King and Queen *against* Campbell and * P: 34.
others.

The Second of William and Mary.

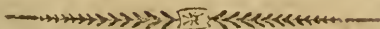
Middlesex, **T**HE jurors, &c. that James Campbell, late of, Indictment
To wit. &c. Archibald Montgomery, late of, &c. John for stealing,
Johnston, late of, &c. otherwise called Captain Johnston, late and marry-
of, &c. otherwise called Sir John Johnston, late of, &c. on ing an
the 14th day of November, in the 2d year, &c. with force and Heirefs.
arms, &c. at the parish of St. Giles, in the fields, &c. in and (Stabls.
upon Mary Wharton. spinster, then and as yet being within 587.)
the age of 14 years, and a maiden, and the only daughter and
heir of one P. W. esquire, then deceased, and then and there
having substance in moveable goods, to the value of one
thousand pounds, and in lands and tenements, to the value of
one thousand five hundred pounds by the year, and in the
peace of God, and of the said lord the king and the said lady
the queen, then and there being, violently did make an assault,
and her the said M. W. then and there did put in great fear
of her life, and her the said M. W. then and there, with force
and arms, &c. from the said parish of St. Giles, in the fields,
unlawfully, feloniously, and against the will of the said M.
W. violently did take, force, and carry away, with intention
F that

Indictments for Felony.

that he the said J. C. for the lucre of the substance aforesaid, her the said M. W. feloniously might marry and take to wife, and that the said J. C. afterwards to wit, on the said 14th day of November, in the second year aforesaid, at the parish of St. Margaret's, Westminster, &c. by the assent, consent, procurement and abetment of the said A. M. J. J. and of W. C. late of, &c. doctor in divinity, S. C. wife of, &c. and G. W. late of, &c. spinster, feloniously, and for the lucre of the said substance, her the said M. W. feloniously did marry and take to wife, to the great displeasure of almighty God, against the laws of the said lord the king and the lady the queen; to the great disparagement of the said Mary, and to the utter sorrow and affliction of her friends, and to the evil example of all persons in the like case offending, and against the form of the statute, in such case made and provided, and also against the peace of the said lord and lady the now king and queen, their crown and dignity; and the jurors aforesaid, upon their oath aforesaid, further say, that the said A. M. J. J. otherwise called, &c. W. C. S. C. and G. W. on the said 14th day of November, in the 2d year aforesaid, at the parish of St. Margaret, &c. aforesaid, knowingly and feloniously were assenting to, aiding, procuring, assisting, abetting and maintaining the said J. C. feloniously to commit and perpetrate the felony aforesaid, in the form aforesaid, against the form of the statute, in such case made and provided, and against the peace of the said lord the now king and the lady the now queen, their crown and dignity, &c.

* P. 35. *All the defendants (except Campbell, who fled) were tried at the Old-Bailly, upon this indictment, before Sir Henry Follexsen, Chief Justice of the Common Pleas, and the other Judges then * present. Sir John Johnstou, a Scotch knight, was found guilty and executed on a gibbet, before the lady's door in great Queen-street, the rest were acquitted. Note, The statute upon which this is founded, is the 3d of H 7. c. 2. which makes this offence felony, and the statute 39 Eliz. c. 2. takes away clergy from the principal, procurers, and accessories before, see the case of the lady Fulwood and others, (cited and made use of by the counsel for the king in this case) Cro. Ch. 483, 484, 488, 492, wherein are good observations and resolutions upon this statute; Sir John Johnstou was a stranger to the English laws, and when he was called to judgment was much surprised, and asked if it was a hanging matter, but nevertheless sentence was given against him, and he was executed.*

Indictments and Informations for Sedition.



Indictments and Informations for Sedition.

1. By Acts. 2. Libels. 3. Words.

The King *against* Bradden and another.

Michaelmas, 35th Charles. Roll. 54.

1. By Acts.

To wit. **T**HAT whereas, Arthur, Earl of Essex, was on the 12th day of January, in the 35th year, &c. committed to the tower of London, the prison of the lord the king, for certain high treasons, by him supposed to have been committed, and the said A. E. of E. being a prisoner in the tower of London aforesaid, for high treason aforesaid, on the 13th day of January, in the 35th year of the reign of the said lord the king aforesaid, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, at the tower of London aforesaid, in the county aforesaid, himself feloniously, and as a felon of himself, did kill and murder, as by the inquisition taken at the tower of London aforesaid, in the county of Middlesex aforesaid, on the 14th day of July, in the year aforesaid, before Edward Farnham, esquire, then coroner of the said lord the king, of the liberties of the tower of London, on view of the body of the said A. E. of E. before the said lord the king, remaining of record, more fully appears, nevertheless one Laurence Bradden, of the Middle-Temple, London, gentleman, and Hugh Speke, of Lincoln's-Inn, in the county of Middlesex, gentleman, not ignorant of the premises, but devising and maliciously, and seditiously * intending the government of the said lord the king of this kingdom of England, to bring into hatred, detestation and contempt, on the 15th day of August, in the 35th year of the reign of the said lord the now king aforesaid, and at divers other days and times, as well before as after, at the parish, &c. with force and arms, &c. falsely, unlawfully, seditiously and maliciously did conspire, and endeavour to cause

Information
for conspir-
ing and en-
deavouring
to persuade
others that
an inquisiti-
on taken
before the
coroner,
whereby it
was found
that the Earl
of Essex, a
prisoner in
the tower,
for High
Trea on,
was sediti-
ously un-
duly taken,
and that he
was mur-
dered by o-
thers to the
* P. 36
disparage-
ment of th
king's go-
vernement

Indictments and Informations for Sedition.

the subjects of the said lord the king, of this kingdom of England, to believe that the inquisition aforesaid, was unduly taken, and that the said A. E. of E. was killed and murdered by certain persons unknown, in whose custody he was, and to perfect and bring to effect their malicious and seditious devices, designs and intentions aforesaid, they the said L. B. and H. S. at the parish, &c. on the said 15th day of August, in the 35th year aforesaid, falsely, unlawfully, seditiously and maliciously did conspire to procure certain false witnesses to prove that the said A. E. of E. was not a felon of himself, but that the said A. E. E. was killed and murdered by certain persons unknown, and to persuade other subjects of the said lord the king, to believe this to be true, they the said L. B. and H. S. falsely, maliciously and seditiously then and there in writing declared, and caused to be declared, that the said L. B. was the person who was prosecuting the murder of the said A. E. E. to the great scandal and contempt of the government of the said lord the king, of this kingdom of England, to the evil example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. wherefore the said attorney-general of the said lord the now king, &c.

The trial of the defendant upon this information, is at large in the State Trials, vol. 3d, 267 to 312.

* P. 37.

* The King against John Hampden.

Indictment

for conspiring with

others, to

raise an insurrection

within this

kingdom,

and consulting

and agreeing to

send a messenger into

Scotland to

invite some

ill-disposed

persons

there, to

come hither

to consult

and assist

and assist

ance from

the

Middlesex,

to wit.

THAT John Hampden, late of the parish of gent. being a pernicious and seditious man, and a person of a depraved mind, and also of an impious, unquiet and turbulent disposition, and devising, practising, and falsely, unlawfully, unjustly, maliciously, turbulently and seditiously intending to disturb, molest and disquiet the peace of the said lord the now king, and the public tranquillity of this kingdom of England, and as much as in him lay, to move, stir up, and procure sedition within this kingdom of England, and to endanger the government of the said lord the king, in this kingdom of England, and that the said John Hampden to fulfil, perfect, and bring to effect, his most wicked, detestable and seditious intentions aforesaid, on the last day of June, in the 35th year of the reign, &c. and at divers other days and times, as well before as after, with force and arms, &c. at the parish, &c. unlawfully, unjustly, maliciously and seditiously did assemble, meet, consult, conspire, and confederate himself, with divers evil-disposed subjects of the

Indictments and Informations for Sedition.

the said lord the king, to the jurors aforesaid unknown, and with the same did treat of and concerning the executing, perfecting, and bringing to effect, his wicked and seditious compassings, imaginations, and purposes aforesaid; and further the said John Hampden to fulfil and bring to effect his most wicked, detestable and seditious devices, practices and intentions aforesaid, then and there, to wit, on the last day of June aforesaid, in the 35th year of the reign, &c. aforesaid, and at divers other days and times as well before as after, at the parish aforesaid, in the county aforesaid, with force and arms, &c. falsely, unlawfully, maliciously and seditiously did consult, counsel, conspire, and confederate to make an insurrection within this kingdom of England, and to provide and procure arms, and armed men, to be prepared at different places within this kingdom of England, to fulfil and perfect his said most wicked, detestable, and seditious intentions, compassings, imaginations and purposes aforesaid, and that the said J. H. to fulfil, perfect and bring to effect his most wicked, detestable, and seditious intentions aforesaid, afterwards to wit, on the said last day of June, in the 35th year, &c. aforesaid, at the parish aforesaid, in the county aforesaid, with force and arms, &c. falsely, unlawfully, unjustly, wickedly, maliciously and seditiously, did consult, agree and consent, that a certain person to the jurors aforesaid unknown, should be sent into Scotland to invite and incite divers evil-disposed subjects of the said lord the king, of his kingdom of Scotland, to come into this kingdom of England, to advise and consult with the said John Hampden, and with the said other evil-disposed subjects of the said lord the king in this kingdom of England, of bringing and supplying aid and assistance from the said kingdom of Scotland, to promote, do, and perfect his said most wicked, detestable and seditious compassings and imaginations aforesaid, in manifest contempt of the laws of this kingdom of England, to the evil and pernicious example of all others in like case offending, and against the peace of the said lord the now king, his crown and dignity.

* The King *against* Gerrard.

* P. 38.

Michaelmas, 1st James 2d. *Roll*. 83.

Middlesex, **T**HAT Gilbert Gerrard, late of, &c. baronet, Information
 to wit. being a pernicious and seditious man, and a for conspir-
 person of a depraved mind, and also of an impious unquiet ing to dis-
 disposition, turb the public peace

Indictments and Informations for Sedition.

of the king-
dom, and
holding con-
sultations to
raise an in-
surrection,
and procure
arms and
men to that
purpose.

disposition, and devising, practising, and falsely, unlawfully, unjustly, maliciously, turbulently and seditiously intending, to disquiet, molest and disturb the peace and public tranquillity of this kingdom of England, and as much as in him lay, to excite, move and procure sedition and rebellion within this kingdom of England, and to endanger the government of this kingdom of England, and that the said G. G. to fulfil perfect, and bring to effect his most wicked, detestable, seditious and diabolical intentions aforesaid, on the 30th day of May, in the 35th year of the reign of Charles the 2d, late king, &c. and at divers other days and times as well before as after, with force and arms, &c. at the parish, &c. unlawfully, unjustly, maliciously and seditiously did assemble, meet, consult, conspire and confederate himself with divers evil-disposed subjects of the said late lord the king, as yet unknown, and with the said persons then and there did treat of and concerning the executing, fulfilling, perfecting and bringing to effect his said most wicked, detestable, seditious and diabolical contrivances, devices and intentions aforesaid, and that the said G. G. to fulfil, perfect, and bring to effect, his most wicked, detestable, seditious and diabolical contrivances, devices and intentions aforesaid, then and there, to wit, on the 30th May, in the 35th year of the reign of the lord, &c. late king, &c. and at divers other days and times, as well after as before, at the parish aforesaid, &c. with force and arms, &c. unlawfully, unjustly, wickedly, maliciously, seditiously and diabolically, did consult, consent, conspire and confederate to make an insurrection within this kingdom of England, and to procure and provide arms, and armed men, to be prepared at different places within this kingdom of England, to fulfil, perfect, and bring to effect his said most wicked, detestable, seditious and diabolical intentions, purposes, imaginations and purposes, in contempt of the laws of this kingdom of England, to the evil and pernicious example of all persons in the like case offending, and against the peace as well of the said late lord the king, as of the lord the now king, their crowns and dignities, &c. whereupon the said attorney-general of the said lord the now king, &c.

* P. 39. * The King *against* the Earl of Macclesfield.

Hilary, 4th James II.

Information
for conspir-
ing with
Lord Grey,

To wit.

THAT Charles, Earl of Macclesfield, late of,
&c. being a seditious person of a depraved
mind,

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mind, and also of an impious, unquiet, turbulent, factious ^{to raise an} and seditious disposition, and devising, practising and ^{insurrection} falsely, and ^{and rebell-} maliciously, unlawfully, wickedly, unjustly and seditiously ^{on within} intending to disquiet, molest and disturb the peace of the lord the king-
Charles the 2d, late king, &c. and the public tranquillity of ^{dom.} this kingdom of England, and to excite, move and procure, insurrection and rebellion within this kingdom of England, and to endanger the government of the said late lord the king, in this kingdom of England, and that the said Charles, Earl of Macclesfield, to fulfil, perfect, and bring to effect his most wicked, detestable and seditious intentions aforesaid, on the 30th day of May, in the 35th year of the reign of Charles the 2d, late king, &c. and at divers other days and times as well before as after, with force and arms, &c. at the parish, &c. falsely, unlawfully, unjustly, wickedly, maliciously, factiously and seditiously did assemble, meet, consult and confederate himself with Ford, late Lord Grey, and with divers other evil-disposed persons, to the attorney-general of the said lord the now king, as yet unknown, and with the said persons, then and there did treat of and concerning the perfecting, fulfilling and bringing to effect his said most wicked and seditious compassings, imaginations and purposes, and that the said C. E. of M. further to fulfil, perfect and bring to effect his most wicked, detestable and seditious contrivances, devices, and intentions, then and there to wit, on the said 30th day of May, in the 35th year, &c. and at different other days and times, as well before as after, at the parish, &c. with force and arms, &c. falsely, unlawfully, unjustly, wickedly, maliciously, factiously and seditiously did consult, consent, conspire, and confederate with the said Ford, Lord Grey, and with diver other evil-disposed persons, to make an insurrection and rebellion within this kingdom of England, and to procure and provide arms, and armed men, to be prepared in different places within this kingdom of England, to fulfil, perfect and bring to effect, his said most wicked and seditious compassings, intentions and purposes aforesaid, and that the said C. E. of M. further to fulfil, perfect and bring to effect, his most wicked, detestable, seditious and diabolical contrivances, devices and intentions aforesaid, afterwards, to wit, on the said 30th day of May, in the 35th year, &c. at, &c. falsely, unlawfully, wickedly, unjustly, factiously and seditiously assumed upon himself, and to the aforesaid evil-disposed persons promised, that he would be personally aiding and assisting to fulfil and promote the said his most wicked, detestable and seditious intentions and compassings aforesaid, in contempt of the laws, &c. to the evil example, &c. and against the peace, &c,

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* P. 40.

* *The King against Trenchard.*

Hilary the 2d. of James the 2d.

Informati-
on for the
like.

London, **T**HAT John Trenchard, late of, &c. esquire, To wit. being a pernicious and seditious person, of a depraved mind, and also of an impious, unquiet, turbulent, factious and seditious disposition, and devising, practising and falsely, maliciously, unlawfully, wickedly and seditiously intending to disquiet and disturb the peace of the lord Charles the 2d late king of England, &c. and the public tranquillity of this kingdom of England, and to stir up, move and procure insurrection and rebellion within this kingdom of England, and to endanger the government of the said late lord the king in this kingdom of England, and that the said J. T. to fulfil, perfect, and bring to effect his most wicked, detestable and seditious intentions aforesaid, on the 30th day of May, in the 35th year of the reign of the lord Charles the 2d, late king, &c. and at divers other days and times, as well before as after, with force and arms, &c. at, &c. unlawfully, unjustly, wickedly, maliciously, factiously and seditiously, did assemble, meet, consult and confederate himself with Ford, late lord Grey, and with divers other evil-disposed persons to the Attorney-general aforesaid, of the said lord the now king as yet unknown, and with the said Ford, late lord Grey, and with the aforesaid other evil-disposed persons, then and there did treat of and concerning the fulfilling, perfecting, and bringing to effect, his said most wicked and seditious compassings, imaginations, and purposes aforesaid, and then and there, to wit, on the day and year, &c. aforesaid, and at divers other days and times, as well before as after, at the parish, &c. with force and arms, &c. with the aforesaid late lord Grey, and with the other evil disposed persons aforesaid, to the said attorney-general of the said lord the now king as yet unknown, falsely, unlawfully, unjustly, wickedly, maliciously, factiously and seditiously did consult, consent, conspire and confederate to stir up, move and levy insurrection, rebellion and war against the said late lord the king, and to provide and procure arms and armed men, to be prepared in divers places in this said kingdom of England: And that the said J. T. further to fulfil, perfect, and bring to effect his said most wicked, detestable, seditious and diabolical devices, practises

Indictments and Informations for Sedition.

practises and intentions aforesaid, afterwards, to wit. on the day and year, &c. aforesaid, at the parish &c. with force and arms, &c. falsely, unlawfully, unjustly, wickedly, factiously, and seditiously assumed upon himself, and to the said Ford, lord G. and to the other evil-disposed persons as aforesaid unknown, promised and undertook, that he would be personally aiding and assisting, to fulfil, perfect, and promote his said most wicked, detestable, and seditious compassings and intentions aforesaid, in manifest contempt of the laws of this kingdom of England, to the evil example of all others in like case offending, and against the peace, &c.

* *The King against Blake.*

* P. 41:

Michaelmas, 1st James the 2d.

Middlesex, **T**HAT Samuel Blake, late of, &c. draper, being Information
To wit. **T**a pernicious and seditious man, and a person for advancing
of a depraved mind, and of an impious, unquiet and turbulent disposition, and devising, practising, and falsely, maliciously, buy a horse
wickedly, and diabolically intending not only to disquiet, mo- and arms to
lest and disturb the peace and public tranquillity of this king- go and assist
dom of England, but also to stir up, move and procure war and the duke of
rebellion against the most serene lord James the 2d. &c. his Monmouth
natural lord within this kingdom of England; and to subvert in rebellion
change, and alter the government of the said lord the now king
of this his kingdom of England, and to depose and deprive
the said lord the king of his style, title, honour, and Royal
name, and of the imperial crown of this kingdom of England,
and to put and bring the said lord the king to death and final
destruction, and to fulfil, perfect, and bring to effect, his most
wicked, detestable, and diabolical contrivances, devices and
intentions, he the said S. B. on the 1st day of June, in the 1st
year, &c. with force and arms, &c. falsely, unlawfully, un-
justly, wickedly, and diabolically, at the parish, &c. did give
and deliver, and did cause to be given and delivered to one
John Evans, a great sum of money, to wit, the sum of eleven
pounds, and fifteen shillings of the lawful money of England,
under the condition, and for the intention and purpose, that he
the said J. E. instantly should purchase a horse and pistols,
G and

Indictments and Informations for Sedition.

and without delay should travel into the western parts of this kingdom of England, and should join himself, the said J. E. to one James Scott, otherwise called James Duke of Monmouth, and to other traitors and rebels, at that time traitorously assembling, to wit, at Lyme Regis, in the county of Dorset, in the western parts of this kingdom of England, in the treasons of the said traitors, against his most serene lord the now king, to aid and assist the said James Scott, otherwise called James duke of Monmouth, and the other traitors and rebels aforesaid, to do, perfect, and bring to effect their treasons aforesaid, against the duty of his allegiance, and against the peace of the said lord the now king his crown and dignity, &c.

* P. 43.

* *The King against Wildman.*

Information
for conspir-
ing to raise
rebellion in
the king-
dom.

Middlesex. **T**HAT John Wildman. late of, &c, being a sc-
ditious and pernicious person, of a depraved,
mind, and also of an impious, unquiet, turbulent, factious and
feditious disposition; and devising, practising, and falsely, un-
lawfully, wickedly, and seditiously intending to disquiet, mo-
lest and disturb the peace of the said lord the now king, and
the common tranquillity of this kingdom of England, and to
stir up, move and procure sedition and rebellion within this
kingdom of England, and to endanger the government of the
said lord the king of this kingdom of England, and that the
said J W. to fulfil, perfect, and bring to effect his most
wicked, detestable, and seditious devices and intentions afore-
said, on the 20th day of May in the 1st year of the reign of
the lord James, &c. and at divers other days and times, as well
before as after, with force and arms, &c. at the parish, &c.
falsely, unlawfully, wickedly, maliciously, unjustly, factious-
ly, and seditiously did assemble, meet, consult, and confede-
rate himself with one Wm. Disney, and with divers other evil-
disposed persons to the attorney-general aforesaid, of the said
lord the now king, as yet unknown, and with the said persons
then and there did treat of and concerning the fulfilling, per-
fecting and bringing to effect, his most wicked and seditious
compassings, imaginations, intentions and purposes aforesaid,
and

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and then and there, to wit, on the said 20th day of May, in the 1st year, &c. and at divers other days and times as well before as after, at the parish, &c. with force and arms, &c. falsely, unlawfully, unjustly, wickedly, factiously, maliciously, and seditiously did consult, consent, conspire and confederate, with the said W. D. and the divers other evil-disposed persons aforesaid unknown, to make an insurrection and rebellion within this kingdom of England, and to procure and provide arms and armed men to be prepared in divers places in this kingdom of England, to fulfil, perfect and bring to effect, his most wicked, detestable, seditious and diabolical contrivances, devices and intentions aforesaid; And that the said J. W. further to fulfil, perfect and bring to effect his most wicked, detestable, seditious and diabolical contrivances, devices and intentions aforesaid, afterwards, to wit, on the 20th day of May, in the 1st year, &c. aforesaid, at, &c. with force and arms, &c. falsely, unlawfully, unjustly, wickedly, factiously and seditiously assumed upon himself, and to the aforesaid evil-disposed persons promised, that he the said J. W. would be personally aiding and assisting in the fulfilling, perfecting and promoting his said most wicked, detestable and seditious intentions, purposes and compassings aforesaid, and then and there did send a certain person unknown, into parts beyond the seas, to wit, into Holland in parts beyond the seas, to one * James late duke of Monmouth, to incite and procure the said James late duke of Monmouth to invade this kingdom of England, with a great number of armed men, and to move, procure, and levy war and rebellion against the said lord the now king within this kingdom of England, to the evil and pernicious example of all others in like case offending, and against the peace, &c.

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The King *against* Nevill.

Hilary, the 30th & 31st Charles II.

2. By Libels.

To wit. **T**HAT in the term of St. Michael, in the 30th year, &c. in the court of the said lord the king, before the king himself, at Westminster, in the county of Middlesex, one Edward Coleman, late of, &c. gentleman, in

information
to wit, in
composing
and publish-
ing a sediti-
ous libel.

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entitled the the due manner, by the oath of twelve jurors, good and law-
 Glorified ful men of the county of Middlesex aforesaid, was indicted
 Martyr, to for divers high treasons, in: falsely, maliciously, subtly and
 bring into for divers high treasons, in: falsely, maliciously, subtly and
 contempt traiterously purposing, compassing, imagining and intending
 the treason to justify sedition and rebellion within this kingdom of Eng-
 committed land and entirely to deprive, depose and disinherit the said lord
 by Edward the now king, from his royal state, title, power and govern-
 Coleman, ment of this kingdom, and to bring and put the said lord the
 and the ver- king to death and final destruction, and to change and alter
 dict and at his will and pleasure, the government of the said kingdom,
 judgment and the true worship of God in the said kingdom, certainly
 whereon he was execut- by the laws of the said kingdom established, and totally to
 ed for the same. subvert and destroy the state of this kingdom of England,
 well ordered and instituted in all its parts, and to levy and
 procure war against the said lord the king, within this realm of
 England; and that the said E. C. afterwards to wit, in the
 term of St. Michael; in the 30th year, &c. aforesaid, in the
 said court of the said lord the king, before the king himself,
 at Westminster, in the county of Middlesex aforesaid, in the
 due manner, by the oath of 12 jurors of the country, was
 convicted of the said high treasons, and afterwards was drawn,
 hanged and quartered. And that one Henry Nevill, of, &c.
 otherwise called Henry Payne, of, &c. well-knowing the
 premisses aforesaid, but being a pernicious and seditious man,
 and contriving and maliciously intending to diminish the said
 crime and offence of treason, and also to bring and draw the
 verdict and judgment aforesaid, in the lawful manner afore-
 said, against the said E. C. for the high treasons aforesaid,
 had, obtained and given, into hatred and scandal, with all the
 liege subjects of the said lord the king, and to cause and pro-
 cure the said E. C. who for the treason aforesaid, by him, as a-
 foresaid committed, in the form aforesaid, was rightly and justly
 punished, to be reputed and worshiped within this kingdom of
 England, as a most glorious martyr of God, by wicked and
 superstitious men of the Roman religion, on the 10th day of

* P. 44. January, in the 30th year, &c. at the parish, &c. * falsely,
 unlawfully, unjustly, wickedly, maliciously, scandalously and
 seditiously did make, compose and write, and did cause to be
 made, composed and written a certain false, malicious, scan-
 dalous, libellous and seditious libel, entitled the Glorified
 Martyr, E. C. [by which two letters E. C. the said H. N.
 did intend, and did design the said E. C. to be understood, who
 for high treason as aforesaid, was lawfully convicted and at-
 tained, and afterwards drawn, hanged and quartered, to be
 understood] the tenor of which false, malicious, scandalous,
 libellous and seditious libel follows, to wit, "*To the glorified
 martyr, E. C. Hail glorious soul to whom the crown is given, all
 hail thou mighty favorite of heaven, triumphant martyr, from the
 endless throne, where thou must reign with Christ disturbed by none;*
 look

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look down a while and view upon his knee, an understanding friend to truth and thee; pardon the boasted title since that love, which gives it here must needs confirm it above; for that's a flaming charity which sure, since boundless here must endless there endure; but ah! alas great saint I own with shame, that ill I then, worse now deserve that name; whilst here on earth my troubles kept me still, from friendship's laws, and now my causes will; but what you pardoned then on fortune's score, be pleased on passions now to pity move. And for those goods which here you did design, without reward or least desert of mine, obtain me more from our great Lord and thine; not that I hope to equal thee in place, tho' I could wish it with the like disgrace; I barely hope to view that holy ring, where crowned saints do hallelujahs sing; prepare me some low place in that bright quire, where tho' I might not sing I might admire."

And the said attorney-general of the said lord the king, for our said lord the king further gives the court here to understand and to be informed, that the said H. N. &c. otherwise called H. P. &c. afterwards to wit, on the said 10th day of January, in the 30th year, &c. at the parish, &c. knowingly the said false, feigned, malicious, scandalous, libellous and seditious libel, falsely, unlawfully, unjustly, wickedly, maliciously, scandalously and seditiously to divers liege subjects of the said lord the king, then and there did publish, and did cause to be published, in manifest contempt of the laws of this kingdom of England, to the pernicious example of all others in like case offending, and against the peace, &c. Whereupon the said attorney-general of the said lord the king, for the said lord the king, prays the consideration of the court here in the premises, and the due process of law to be awarded against the said H. N. otherwise called H. P. in this behalf, to make him answer to the said lord the king, &c.

* The King against Baxter.

* P. 45.

London, } **T**HAT Richard Baxter, late of, &c. clerk, being
To wit. } a factious and seditious person, of a wicked mind, and also of an impious, unquiet and turbulent disposition, and conversation, and devising, practising, and intending, as much as in him lay, not only to disquiet, molest and disturb the
peace

Information for a Libel, in Notes on the New Testament.

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peace and public tranquillity of the said lord the king, within this kingdom of England, and to move, procure, and stir up sedition, discord and malevolence among the liege and faithful subjects of the said lord the king, but also to bring into hatred and scandal, and to render useless the sincere, pious, blessed and peaceable protestant religion, used within this kingdom of England, and the prelates, bishops, and other clergymen of the English church, established by the laws of this kingdom, and the new testament of our lord and saviour Jesus Christ, and that the said R. B. to fulfil, perfect, and bring to effect his most wicked, detestable and diabolical intentions aforesaid, on the 14th day of February, in the 1st year of the reign of our lord James the 2d with force and arms, &c. at, &c. falsely, unlawfully, unjustly, wickedly, factiously, seditiously and irreligiously did make, compose, write, imprint and publish, and did cause to be made, composed, written, imprinted and published a certain false, seditious, libellous, factious and irreligious book, intituled, "*a Paraphrase on the* 1st Count. "*New Testament, with notes doctrinal and practical,*" in which false, seditious, libellous, factious and irreligious book, among other things were contained these false, factious, malicious, scandalous and seditious sentences, of and concerning the said prelates, bishops, and other clergymen of the church of this kingdom of England, in these English words following, to wit, "*Note, are not these preachers and prelates,* (meaning the bishops and other clergymen of the said church of this kingdom of England) *then the least and basest that preach and tread down christian love of all that dissent from any of their presumptions, and so preach down not the least but the great command?*" And the 2d Count. the said attorney-general of the said lord the king, for the lord the king further gives the court here to understand and to be informed, that in another place in the said false, scandalous, seditious and irreligious book, among other things there were contained these false, libellous, scandalous, seditious and irreligious sentences following, of and concerning the said clergymen of the said church of this kingdom of England, to wit, "*Note, it is folly to doubt whether there be devils, while devils incarnate live here among us,* (meaning the clergymen of the said church of this kingdom of England) *what else but devils sure could make ceremonious hypocrites,* (meaning the clergymen aforesaid) *consult with politick royalists,* (meaning the liege and faithful subjects of the said lord the king of his kingdom of England) *to destroy the Son of God for saving men's health and lives by miracle? Quere, whether if this withered hand had been their own, they would have plotted to kill him, that would have cured them by a miracle, as a sabbath-breaker? and whether their successors,* (meaning the prelates, bishops, and other clergymen of the church of this kingdom of England, who have in order succeeded) *would* * P. 46. *silence and imprison godly ministers,* (meaning the said R. B. and other

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other factious and seditious persons within this kingdom of England, arguing against the laws of this kingdom, and the liturgy of the church established within this kingdom) *if they could cure them of their sicknesses, and help them to preferment, and give them money to feed their lusts ?*" And the said attorney-general of the said lord the king, for the said lord the king, further gives the court here to understand, and to be informed, that in another place in the said false, scandalous, libellous and seditious book, there were among other things contained these other false, libellous, scandalous, seditious and irreligious English sentences following, of and concerning the bishops aforesaid, and the ministers of justice of this kingdom of England, to wit, "*Note, men that preach in Christ's name* (meaning him the said R. B. and other factious and seditious persons within this kingdom of England, arguing against the laws of this kingdom, and the liturgy of the church of this kingdom as by law established) *therefore are not to be silenced tho' faulty, if they* (meaning again the said evil-disposed, factious and seditious persons) *do more good than harm ; dreadful then is the case of them* (meaning the bishops and ministers of justice within this kingdom of England) *that silence Christ's faithful ministers,*" (meaning him the said R. B. and the other factious and seditious persons aforesaid). And the said attorney-general of the said lord the king, for the said lord the king, further gives the court here to understand, and to be informed, that to excite the people of this kingdom of England to assemble in unlawful conventicles, and to defame the justice of this kingdom in punishing unlawful conventicles, in another place in the said false, scandalous, seditious and irreligious book, among other things there were contained these other false, libellous, scandalous, seditious and irreligious English sentences following, to wit, (1.) *Note, " It was well they considered what might be said against them, which now most christians do not in their disputes. (2.) These persecutors and the Romans had some charity and consideration, in that they were restrained by the fear of the people, and did not accuse and fine them as for routs, riots and seditions. (3.) They that deny necessary premisses are not to be disputed with."* And the said attorney-general of the said lord the now king, for the said lord the king, gives the court here to understand, and to be informed that in another place in the said false, scandalous, seditious and irreligious book, among other things there were contained these other false, libellous, scandalous, seditious and irreligious English sentences following, of and concerning the bishops, and other clergymen of this kingdom of England, to wit, "*Let not these proud hypocrites,* (meaning the bishops and other clergymen of the church of this kingdom of England) *deceive you,* (meaning the subjects of the said lord the king of this kingdom of England) *who by their long liturgies and ceremonies* (meaning the liturgies and ceremonies of the church of this kingdom of England) *and claim*

3d Count.

4th Count.

5th Count.

ef

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6th Count. *of superiority, do but cloak their worldliness, pride and oppression, and are religious to their greater damnation."* And the said attorney-general of the said lord the now king, for the said lord the now king, further gives the court here to understand and to be informed that in another place in the said false, scandalous, seditious and irreligious book, among other things there were contained these other false, scandalous, libellous, seditious and irreligious English sentences following, of and concerning the clergy of this kingdom of England, (2.) "*Priests now are*

* P. 47. *many (meaning the clergy of the * church of this kingdom of England) but labourers few; what men are they that have, and silence the faithfullest labourers ?* (meaning him the said R. B. and the other factious and seditious persons aforesaid) *suspecting that they are not for their interest ?*" (meaning the interest of the clergy

7th Count. of the church of this kingdom of England.) And the said attorney-general of the said lord the now king, for the said lord the now king, further gives the court here to understand and to be informed that in another place in the said false, scandalous, seditious and irreligious book, among other things there were contained these other false, libellous, scandalous, seditious and irreligious sentences following, of and concerning the clergy of this kingdom of England, to wit, (3.) Note, "*Christ's ministers use God's ordinances to save men, and the devil's clergy (meaning the clergy of the church of this kingdom of England) use them for snarls, mischiefs and murder. (2.) They (meaning the clergy of the church of this kingdom of England) will not let the people, (meaning the subjects of this kingdom of England) be neutrals between God and the devil, but force them (meaning the subjects of this kingdom of England) to be informing persecutors."* And the said attorney-general of the said lord

8th Count. the now king, for the said king further gives the court here to understand to be informed that in another place in the said false, scandalous, seditious and irreligious book, among other things were contained these other false, libellous, scandalous, seditious and irreligious English sentences following, of and concerning the laws of this kingdom of England, against unlawful conventicles, and to stir up the people to assemble in unlawful conventicles, to wit, (2.) Note, "*To be dissenters and disputants against errors and tyrannical impositions upon conscience (meaning the laws and statutes of this kingdom of England, provided and enacted against factious persons, and dissenters to the liturgy of the church of this kingdom of England) is no fault but a great duty."* To the great displeasure of Almighty God, in manifest contempt of the laws of this kingdom of England, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the king his crown and dignity, whereupon the said attorney-general of the said lord the now king prays the consideration of the court here, in the premisses, and the due process of law to be
awarded

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awarded against him the said R. B. in this behalf, to make him to answer to the said lord the king, touching and concerning the premises, &c.

The defendant was found guilty upon this information, and after exceptions taken in arrest of judgment and over-ruled, the court gave judgment, and fined him 500 l. and ordered him to give security for his good behaviour for 7 years. The case is reported in 3 Mod. 68.

✧ See in Rapin's History of England, vol. 12, p. 15. the extraordinary language of Lord Chief Justice Jeffries at the trial.

* The King against Williams.

* P. 48.

Trinity, 36th Charles II.

Middlesex. **T**HAT William Williams, late of Westminster, Information
To wit. **I**n the county of Middlesex, esquire, being a for printing
pernicious and seditious man, and devising, and falsely, ma- and publish-
liciously and seditiously intending to disquiet, molest and dis- ing a sediti-
turb the peace and public tranquillity of this kingdom of ous Libel,
England, and to make, move, stir up and procure sedition, on the Duke
discord and malevolence between the said lord the now king, of York the
and his subjects of this kingdom of England, and also to bring King's bro-
and draw the most excellent and serene prince, James, Duke ther.
of York and Albany, the only brother of the said lord the
king into the greatest hatred, contempt and scandal with the
said lord the king, and with the liege and faithful subjects of
the said lord the king, and to fulfil, perfect and bring to
effect his most wicked, detestable and diabolical intentions,
practises and devices, he the said W. W. on the 9th day of
November, in the 34th year of the reign of the lord Charles
the 2d, the now king, &c. at the parish of St. Martin in the
fields, in the county of Middlesex, with force and arms, &c.
falsely, unlawfully, unjustly, wickedly, maliciously, scanda-
lously, seditiously and diabolically, for his own proper gain,
did cause and appoint, to be printed and published a certain
false, scandalous, seditious and defamatory libel, intitled
"The information of Thomas Dangerfield, gentleman," in which
libel, among other things there was contained as follows,
"The information of Thomas Dangerfield, gent. About the months
September or October 1679, when Mrs. Cellier and myself (mean-
ing the said Thomas Dangerfield, in the information aforesaid
H mentioned)

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mentioned) waited on my lord Peterborough (meaning Henry Earl of Peterborough) to be introduced to his highness the Duke of York, his lordship enquired of me, (again meaning the said T. D.) if the lady Powis had given me (again meaning the said T. D.) any directions how to discourse the Duke, (meaning the said James, Duke of York) I, (meaning himself the said T. D.) replied, she (meaning the said lady Powis) had; then he (meaning the said Earl of Peterborough) desired to know what they were, upon which I (meaning the said T. D.) shewed his lordship a little book, in which was contained a scheme, and the pretended discovery which I (meaning the said T. D.) had made in the Presbyterian plot, which book his lordship carefully perused, and finding some omission therein, he (meaning the said Earl of Peterborough) ordered me (meaning the said T. D.) to write while his lordship did dictate to me (meaning him the said T. D.) these words, to wit, that the presbyterian party intended to make an insurrection in the North, and so to join with an army of Scots: immediately after this his lordship took us (meaning the said T. D. and M. Cellier, in the information aforesaid, in like manner mentioned) into the Duke's closet, (meaning the * Duke of York aforesaid) at Whitehall, where we (meaning the said T. D. and Mrs. Cellier) both kissed his hand (meaning the hand of the said James, Duke of York) and me, (meaning the said T. D.) he, (meaning the said Duke of York) took from the ground, for I (meaning the said T. D.) was kneeling, then I gave his highness (meaning the said Duke) the aforementioned little book, which he (meaning the said Duke) after some perusal thereof thanked me (meaning the said T. D.) for; and also for my diligence for the catholic cause, and did advise me (meaning the said T. D.) to go on; and wished good success to all my undertakings, adding in these very words, viz.—“ That the Presbyterian plot was a thing of most mighty consequence, and if well managed, would be very conducive to the safety of the catholic cause, and I (meaning the said Duke) do not question but the effects of it will answer your expectation, especially in the northern parts, where I (meaning the said Duke) am well assured the major part of the gentry are my (meaning the said Duke) friends, and have given sufficient demonstration of their affections to me, (meaning the said Duke) as also of their intentions to prosecute this, Presbyterian plot to the utmost, for they are no strangers to the design; immediately after this his highness (meaning the said Duke of York) ordered Mrs. Cellier and myself, in the hearing of my lord Peterborough, who was privy to the whole discourse, to be very careful of what we (meaning the said T. D. and Mrs. C.) communicated to the persons who were to be witnesses in that new plot, lest we (meaning the said T. D. and Mrs. C.) should be caught in the subornation, and so bring a terrible odium on the catholicks, and make ourselves (meaning the said T. D. and Mrs. C.) incapable of any further service. After this the Duke (meaning the said Duke) informed us, (meaning the said T. D. and Mrs. C.) that in a month or two's time, the

commitments

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commissions would be ready, but ordered us, (meaning the said T. D. and Mrs. C.) in the mean time to bring our part to bear with the commissioners, and particularly ordered me, (meaning the said T. D.) to find out some persons (as there were enough sure among the catholicks, as well as elsewhere) which were fit to be trusted, and that should accept of such commissions, which should be delivered to them by a person appointed for that purpose, but not to be known to them to be any other but a presbyterian, so that when occasion should require, they might together with those which we (meaning the said T. D. and Mrs. C.) then had, be ready to swear in the plot, and that the presbyterians were raising forces against the king and government, and had given out commissions for that purpose; and in order to this, I (meaning the said T. D.) did in some short time after procure one Bedford, Curtis, Grey, Hill, Hopkins, and others, to accept of such commissions when they should be ready; whose business in the mean time was to spread reports in the coffee-houses, that the Popish plot was a contrivance of the presbyterians, &c. now for our (meaning the said T. D. and Mrs. C.) * encouragement, in the prosecution of that sham plot, the Duke (meaning the said Duke of York) promised that he would take care that money should not be wanting, but ordered us (meaning the said T. D. and Mrs. C.) to use all the expedition the thing would allow to make a discovery thereof to the king's attorney; after which the Duke, (meaning the said Duke of York) said the catholick party would be eased of the charge, in regard he (meaning the said Duke) was sure it would be defrayed some other way; then the Duke (meaning the said Duke) made divers vows, and bitter execrations to stand by us (meaning the said T. D. and Mrs. C.) in the thing, and engaged on his honour to be our rewarder, adding, that such considerable services were not to be slighted, and further promised, that to whose lot soever it should happen to be imprisoned, according to their fidelity and steadfastness in the cause, so much the more should their reward be augmented, and that all care possible should be used to support and preserve them, but particularly desiring me (meaning the said T. D.) to keep up to the courageous and active character which his highness (meaning the said Duke) had heard of me; all which I (meaning the said T. D.) promised to do, whereupon we (meaning the said T. D. and Mrs. C.) withdrew to the lord Peterborough's, where we (meaning the said T. D. and Mrs. C.) continued until his lordship (meaning the said Earl of Peterborough) had introduced Sir Robert Payton to the Duke, which being done his lordship left them together, as he (meaning the Earl of Peterborough) said, and came to us, (meaning the said T. D. and Mrs. C.) where amongst other discourse his lordship (meaning the said Earl of Peterborough) told me (meaning the said T. D.) I had a great opportunity to make my fortune, what I would myself; if I (again meaning the said T. D.) would but follow the advice of his master the Duke of York, who as his lordship said, would certainly be my king in a very short time, adding that I (meaning the said T. D.)

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* P. 51.

*must be resolute in my undertakings, for, said he (meaning the said Earl of Peterborough) the Duke (meaning the said Duke of York) much affects resolution, but mortally hates the timorous man, then I (meaning the said T. D.) answered his lordship (meaning the said Earl of Peterborough) that I (meaning the said T. D.) valued not my life, provided to lose it, would be serviceable to the Duke's interest, at which expression he (meaning the said Earl of Peterborough) seemed fully satisfied, and from that time called me (meaning the said T. D.) Captain Willoughby, and at our (meaning the said T. D. and Mrs. C.) coming away his lordship (meaning the said Earl of Peterborough) gave particular order to his servants, that at what time soever, day or night, either Mrs. Cellier or myself, (meaning the said T. D.) should come to speak with his lordship, we should be forthwith admitted, and then we (meaning the said T. D. and Mrs. C.) parted. Some short time after I (meaning the said T. D.) went to wait on his lordship (meaning the said Earl of Peterborough) from the lady Powis * at midnight, to desire him (meaning the said Earl of Peterborough) to move the Duke (meaning the said Duke of York) to get me (meaning the said T. D.) with all expedition to the king for then I was ready. About four days after this, his lordship sent for me, and took me (meaning the said T. D.) to the Duke (meaning the said Duke of York) again who was in his closet at Whitehall, and the Duke (meaning the said Duke of York) told me (meaning the said T. D.) I must prepare myself to wait on the king, and give his majesty a more particular account of the Presbyterian plot, than what the little book made mention of, which book the Duke (meaning the said Duke of York) said he had given to the king, and that he (meaning the said Duke of York) had so ordered the matter, that I (meaning the said T. D.) should be furnished with money to enable me in the prosecution thereof, but his highness (meaning the said Duke of York) charged me to consider well my story before I (meaning the said T. D.) waited on the king; then the Duke (meaning the said Duke of York) told me (meaning the said T. D.) I had gained by my diligence a good reputation among the catholicks, and that I (meaning the said T. D.) should highly merit by my services to that cause, adding that I (meaning the said T. D.) should in a short time see the catholick religion flourish in these kingdoms, and heresy torn up by the roots, and that he (meaning the said Duke of York) had heard of the proposal which had been made me (meaning the said T. D.) by the Lords Powis and Arundell, about taking off the king, (meaning our most serene lord the king) and of my refusal, and also what I (meaning the said T. D.) had accepted, touching my lord Shaftsbury, and of all my transactions in the Presbyterian plot, saying in these words, viz. if you (meaning the said T. D.) value the religion you profess and my interest, (meaning the interest of the said Duke of York) as you say you do, and your future happiness, take my advice (meaning the advice of the said Duke of York) and depend*

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upon my honour and interest for your advancement; you look like a man of courage and wit, and therefore less discourse may serve with you (meaning the said T. D.) than another, so that if you will but move by the measures which I (meaning the said Duke of York) will give you (meaning the said T. D.) you shall not only escape with safety, but be rewarded according to the greatness of your actions. To all this I (meaning the said T. D.) replied, I (meaning the said T. D.) would stand and fall in defence of the catholick religion, and his highness's service, (meaning the service of the said Duke of York) and was not a little concerned for my refusal to kill the king, (meaning our most serene lord the king) whom I (meaning the said T. D.) was then satisfied by my ghostly father, stood condemned as an heretick, but this I (meaning the said T. D.) did offer, that if his highness (meaning the said Duke of York) would command me (meaning the said T. D.) to the attempt, I would not fail either to accomplish it or to lose my life, upon which the Duke (meaning the said Duke of York) gave me twenty guineas, and said if I (meaning the said T. D.) would be but vigorous in what * I (meaning the said T. D.) had undertaken* P. 52. already, he (meaning the said Duke of York) would so order it that my life should not be in the least danger, adding in these words, viz. we are not to have men taken in such daring actions, but to have them make an effectual dispatch and be gone, upon which I (meaning the said T. D.) took my leave. Some short time after this, when I (meaning the said T. D.) was ready to convey the letters into Colonel Mansel's chamber, I (meaning the said T. D.) went to the Earl of Peterborough, who brought me to the Duke, (meaning the said Duke of York) to whom I told how I (meaning the said T. D.) was ready to fix the letters in the Colonel's chamber, to which his highness (meaning the said Duke of York) answered, I (meaning the said T. D.) must make haste, that I (meaning the said T. D.) might be impowered to make a general search of the like nature, for said the Duke (meaning the said Duke of York) in these words, viz. since I (meaning the said Duke of York) saw you (meaning the said T. D.) last, the lady Powis has informed me (meaning the said Duke of York) that there are abundance of letters and witnesses ready, so that it is now high time to begin, by this time there was some great man came to wait on the Duke, so I withdrew. About four days after this, when I (meaning the said T. D.) had been pressing earnestly with Mr. Secretary Coventry for a warrant, and could not prevail, I (meaning the said T. D.) went to the lord Peterborough, and did desire his lordship to make application to the Duke, (meaning the said Duke of York) to use some means for a warrant, to which his lordship (meaning the said Earl of Peterborough) answered, it was my fault that there was not a warrant granted, and that the Duke (meaning the said Duke of York) was sensible of my neglecting to make an affidavit, so that now he (meaning the said Duke of York) did begin to doubt my courage, Thomas Dangerfield

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Plea to the jurisdiction, that being at Westminster, comes the said William Williams, by Simon Harcourt, his attorney, and having heard the information aforesaid, faith, that he doth not apprehend, that the lord the now king, to the information aforesaid, in the court of the said lord the king, will or ought to be answered, because he faith, that the matter in the said information mentioned, to him the said William Williams, in the form aforesaid charged, ought to be heard and determined in parliament, and not in the court of the lord the now king here, and the said William Williams further faith, that by the law and custom of the parliament of this kingdom of England, the speaker of the House of Commons in parliament assembled, for the time being, (during the sitting of parliament) according to the duty of his office, as a minister of the said house, ought and

* P. 53.

A parliament summoned the 31st Char. 2^d.

In manifest contempt of the laws of this kingdom of England, to the evil example of all other persons in the like case offending, and against the peace of the said lord the now king, &c. whereupon the said attorney-general of the said lord the now king, for the said lord the king, prays the consideration, &c. And now to wit, on the Friday next after the morrow of the Holy Trinity in this same term, before the lord the king, at Westminster, comes the said William Williams, by Simon Harcourt, his attorney, and having heard the information aforesaid, faith, that he doth not apprehend, that the lord the now king, to the information aforesaid, in the court of the said lord the king, will or ought to be answered, because he faith, that the matter in the said information mentioned, to him the said William Williams, in the form aforesaid charged, ought to be heard and determined in parliament, and not in the court of the lord the now king here, and the said William Williams further faith, that by the law and custom of the parliament of this kingdom of England, the speaker of the House of Commons in parliament assembled, for the time being, (during the sitting of parliament) according to the duty of his office, as a minister of the said house, ought and * always hath been accustomed to speak, sign and publish such proceedings of the said House of Commons, and in such manner and form as he by the said commons so assembled hath been ordered to speak, sign and publish; and that every speaking, signing and publishing of any proceeding of the said House of Commons, by the aforesaid speaker, by the order of the said commons done in the form aforesaid, according to the law and custom of parliament, are the acts and deeds of the said commons so in parliament assembled, and always have been accepted and taken as their speaking, signing and publishing, and not as the proper acts or deeds of such speaker; and that such speaker for such speaking, signing or publishing by him, by the order of the said commons in parliament assembled, done during the sitting of parliament, ought not to answer in any other court or place whatsoever, except only in the parliament. And the said W. W. further faith, that a certain parliament of the lord Charles the 2^d, late king, &c. by him the late king, in the due manner, summoned to begin at Westminster aforesaid, on the 17th day of October, in the 31st year of the reign of the said late king, by different prorogations was continued, to wit, at Westminster aforesaid, until the 21st day of October, in the 32^d year of the reign of the said late king, on which 21st day of October, that parliament at Westminster aforesaid was held, and there from that day until the 10th day of January, in the 32^d year aforesaid, of the said late king did continue sitting; and that the said W. W. before the said 17th day of October, on the 31st aforesaid year, &c. to wit, on the 10th day of October,

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October, in the 31st year aforesaid, &c. was in the due manner elected at the city of West Chester, in the county of the said city, one of the citizens for the said city of West Chester, to serve in the said parliament, and afterwards to wit, on the said 17th day of October, in the 31st year of the reign of the late king aforesaid, at Westminster aforesaid, the said William Williams so elected in the due manner, was returned one of the citizens to serve in the said parliament, for the said city of West Chester, as by the return thereof in the court of Chancery at Westminster aforesaid, remaining of record more fully appears, and during the whole time of the said parliament the said W. W. was and remained one of the commons in the said parliament, and that the said W. W. at the said session of parliament, held by prorogation as aforesaid, at Westminster aforesaid, on the 21st day of October, in the 32d year, &c. aforesaid, at Westminster aforesaid, in the due manner was elected and appointed speaker for the commons in the said parliament assembled, and the said W. W. so continued speaker for the commons in the said parliament assembled, until the dissolution of the said parliament, and that in the said session of the parliament aforesaid, at the opening of the said session to wit, on the 21st day of October aforesaid, at Westminster aforesaid, the said lord the late king addressed the lords and commons then in the said parliament assembled, to prosecute the further examination of the Plot, with strict and impartial inquiry, and to them then and there said that he did not think that he or they were safe until that matter should be finished. And the said W. W. further saith that in the said session of the parliament aforesaid, which at Westminster aforesaid, did continue until the 10th day of January, in the * 32d year, &c. aforesaid, both houses of the said parliament, in the prosecution of the direction of the said late king, made strict and impartial inquiry of the aforementioned plot, of and concerning the said late king; and upon the said inquiry in the said session of the parliament aforesaid, the said Thomas Dangerfield, gent. in the information aforesaid above specified upon oath, the said libel entitled "*The information of Thomas Dangerfield, gent.*" as his true information of the plot aforesaid, did exhibit and deliver as well to the lords of parliament (in the said parliament in their house at Westminster aforesaid assembled) which there was and is recorded, as by the record thereof, among the records of parliament, remaining more fully appears, as to the commons of the kingdom of England, in the same parliament in their house at Westminster aforesaid assembled, at the bar of the said house with his proper hands did exhibit and deliver, and after the said exhibition and delivery thereof to the said commons as aforesaid, to wit, at the said session of the parliament aforesaid, the said commons of this kingdom of England, in the said parliament in their house aforesaid,

Defendant
elected and
returned a
member for
said par-
liament.

And was
elected
speaker for
the com-
mons.

* P. 54.

Information
upon oath.

Ordered to
be printed.

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aforesaid, at Westminster aforesaid assembled, did order that the said information of the said Thomas Dangerfield, among the other informations before that time given in at the bar of the said house touching the said plot should be printed, (being first perused and signed by the speaker of the said commons) and that the said speaker should nominate and appoint persons to print the information aforesaid, whereupon the said W. W. (the said W. W. during the whole session of parliament aforesaid, being one of the commons in the parliament assembled, and speaker of the said House of Commons, as aforesaid) in prosecution of the order aforesaid, as speaker of the House of Commons aforesaid, afterwards and during the same session of the parliament aforesaid, to wit, on the 10th day of November, in the 32d year of the reign of the said lord the late king aforesaid, at the said parish of St. Martin in the fields, in the county of Middlesex aforesaid; the said information of the said Thomas Dangerfield, exhibited to the said commons of this kingdom of England as aforesaid, did peruse, and did sign, by putting thereto the name of William Williams, speaker of the House of Commons aforesaid, and then and there appointed Thomas Newcombe and Henry Hills, (then printers of the said lord the late king) to print the said information of the said Thomas Dangerfield, according to the said order of the said commons, and the duty of his office; and thereupon the said information of the said Thomas Dangerfield; afterwards and during the said session of parliament aforesaid, to wit, on the 10th day of November, in the 32d year of the reign of the said lord the late king aforesaid, was printed by the said Thomas Newcombe and Henry Hills, according to the order aforesaid, to wit, at the said parish of St. Martin in the fields, which putting thereto of the name of William Williams; speaker of the House of Commons aforesaid, and appointing of the said Thomas Newcombe and Henry Hills, to print the said information of the said Thomas Dangerfield, according to the order of the said commons, in the said session of the parliament aforesaid assembled, as aforesaid, by him the said W. W. in the form aforesaid done, are the same causing and appointing of the printing and publishing of the libel * aforesaid, in the said information of the said attorney-general of the said lord the king mentioned, whereof the said William Williams; by the said information is above charged, without this that the said W. W. is guilty of the premises specified in the said information of the said attorney-general of the lord the king, upon the said 9th day of November, in the said information specified, or at any time after the said session of the parliament aforesaid, or before the said session, or otherwise; or in any other manner than as the said William Williams above by pleading hath alledged, and this he is ready to verify, wherefore because that the matter aforesaid, was done by the said

* P. 55.

Traverse.

That he is
 not guilty
 on the day
 in the infor-
 mation, or
 at any time
 before or
 after the
 said session
 of Parlia-
 ment,

said

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said William Williams, as speaker of the House of Commons in parliament assembled, by order of the said Commons, in their house assembled, and sitting that parliament, and not otherwise, and not in any other manner, or at any other time, the said William Williams prays judgment if the lord the now king, to the information aforesaid, in the court of the said lord the now king here, will or ought to be answered.

*To this the attorney-general demurs, and the defendant joined in demurrer, but without argument judgment was entered for the king, and the defendant fined 10,000*l.* it is reported in 2 Shower 471.*

Rex against Barnadiston.

Hilary, 35 and 36 Charles 2d. Roll 43.

Middlesex, **T**HAT, whereas a certain diabolical and traiter-^{Information}
To wit. ^{ous plot and insurrection of divers seditious and for compo-}
evil-disposed persons, to kill and murder our lord Charles the ^{sing and}
2d, the now king of England, and to subvert the laws and the ^{publishing}
government of this kingdom of England as now by the laws ^{three sediti-}
settled and established, had been discovered. And also where- ^{ous Libels.}
as one William Russel, esquire, and divers other persons for
that plot and treason by the due process of law, had been tried,
convicted, and attainted, and for the same had been executed;
and one Algernon Sidney, esquire, in like manner was tried
and convicted of the plot and treason aforesaid: And whereas,
upon the trials of the said W. R. and A. S. William lord
Howard of Effrick was produced witness on behalf of the said
lord the king to prove the treason and plot aforesaid: One
Samuel Barnadiston, late of London, baronet, being a sediti-
ous and pernicious man, of turbulent and unquiet mind and con-
versation, falsely, unlawfully, wickedly, maliciously, and se-
ditionously devising, practising and intending to bring and put the
said lord the now king, and his rule and government, and also
the publick administration of justice in this kingdom of Eng-
land into hatred, scandal and contempt with his subjects, and
to move, stir up, and put discord and sedition between the said
subjects, and also to disquiet, molest and * disturb the peace of ^{P. 56.}
the said lord the king, and the tranquility of this kingdom of
England, and to conceal the plot and treason aforesaid, and to
vilify, scandalize and deter the evidence for the said lord the
king

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ing in that behalf: and to fulfil, perfect and bring to effect, his most wicked, diabolical and detestable devices, practises and intentions, on the 20th day of September, in the 35th year of the reign of our lord Charles the 2d, &c. at the parish of St. Michael, Cornhill, London, with force and arms, &c. falsely unlawfully; unjustly, maliciously, corruptly and seditiously did make, compose and write, and did cause to be made, composed, written and published, a certain false, scandalous and seditious libel, bearing date the 29th day of November, in the year of our Lord, 1683, in which libel among other things were contained, these false, feigned, malicious, scandalous, libellous and seditious English sentences following, to wit,—“*Sir, The return of the duke of Monmouth to Whitehall, and his being received into extraordinary favour by his majesty, hath made a strange alteration of affairs at court, for those that before spoke of him very indelicately, now court, cringe, and creep to him. His Grace complained to the king of the scandalous misrepresentation that was made of him in the Monday Gazette, upon which the Gazetteer was called to account for it, who alledged for himself, that a person of great quality sent him in writing the words therein recited, commanding him to put them in the Gazette. Yesterday being the last day of the term, all the prisoners that were in the tower upon the sham Presbyterian plot (meaning the plot and treason aforesaid) were discharged upon bail. Mr. Bradlen who prosecuted the murder of the Earl of Essex [the information put in against him in the King's-bench, by mr. Attorney, for subornation, &c.] was not prosecuted, and his bail was discharged; and the passing sentence upon the author of Julian the apostate, and the printer of the late lord Russel's speech, were passed over in silence. Great applications were made to his majesty for the pardoning mr. Sidney in the tower, (meaning the said Algernon Sidney convicted as aforesaid) which is believed will be attained, and that he will be banished. The lord Howard, (meaning the said William Howard) appears despicable in the eyes of all men: He is under a guard at Whitehall, and [as believed] will be sent to the tower, for that the duke of Monmouth, (meaning James duke of Monmouth) will accuse him concerning the testimony he hath given, &c. (meaning the evidence upon the trial and conviction of the said W. R. and A. S. by the said lord Howard, given as aforesaid). The Papists and Tories are quite down in the mouth; their pride is abated, themselves and their plot confounded, but their malice is not assuaged. 'Tis generally said the earl of Essex was murdered. The brave lord Russel, (meaning the said William Russel, for the conspiring aforesaid, convicted, attainted and executed as aforesaid) is afresh lamented. The Plot, (meaning the plot and treason aforesaid) is lost here; except you in the country can find it out among the addressors or abhorrrers. This sudden turn is an amazement to all men, and must produce some strange event, which a little time will shew.” * And to fulfil, perfect, and bring to effect his most wicked contrivances and intentions aforesaid,*

the

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the said S. B. baronet, afterwards, to wit, on the 20th day of December, in the 35th year of the reign of the said lord the now king, at the parish of St. Michael, Cornhill, London, aforesaid, falsely, unlawfully, corruptly, wickedly, maliciously, and seditiously did make, compose and write, and did cause to be made, composed, written and published, a certain other false, scandalous, libellous and seditious libel, bearing date the 1st day of Decm. in the year of our Lord, 1683, in which libel among other things were contained these false, feigned, scandalous, malicious, libellous, and seditious English sentences, following.—

“ Dear, Sir, I am to answer your’s of the 27th and 29th past, and truly I cannot but with great sorrow lament the loss of our good friend, honest Sir John Wright, but with patience we must submit to the Almighty, who can as well raise up instruments to do his work, as change hearts, of which we have so great an instance in the times of the duke of Monmouth, (meaning the said James duke of Monmouth) that no age or history can parallel. I am thoroughly satisfied that what was printed in the Monday Gazette is utterly false, and you will see it so shortly declared. The king is never pleased but when he is with him; hath commanded all the privy-council to wait on him, and happy is he that hath most of his favour. His pardon was sealed and delivered him last Wednesday. It’s said he will be restored to be master of the horse, and be called into the council-table, and to all his other places; and it is reported he will be made captain-general of all the forces, and lord high-admiral; and he treats all his old friends that daily visit him with civilities. They are satisfied with his integrity, and if God spares his life doubt not but he will be an instrument of much good to the king and kingdom. He said publicly that he knew my Lrd Russel, (meaning the said William Russel, for the plot and treason aforesaid, tried, convicted and executed) was as loyal a subject as any in England, and that his majesty believed the same; Now I intend shortly to wait on him myself; it would make you laugh to see how strangely our high-tories and clergy are mortified, their countenances speak it; were my Lord S. to be moved for now, it would be readily granted. Sir George (meaning Sir George Jeffrys, knight and baronet, then and as yet chief justice of the lord the king, assigned to hold pleas in the court of the said lord the king, before the king himself,) is grown very humble. It is said mr. Sidney, (meaning the said A. S.) is reprieved for forty days, which bids well.” And to fulfil, perfect and bring to effect his most wicked and detestable contrivances and intentions aforesaid, the said J. B. bart. afterwards to wit, on the said 20th day of December, in the 35th year of the reign, &c. aforesaid, at the parish of St. Michael’s, Cornhill, London, aforesaid, falsely, unlawfully, corruptly, wickedly, maliciously and seditiously did make, compose and write, and did cause to be made, composed, written and published a certain other false, scandalous, libellous and seditious libel, bearing date the 1st day of December,

in

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P. 58.
 in the year of our Lord 1683, in which libel among other things were contained, these false, feigned, scandalous, malicious, libellous and seditious English * sentences following, to wit. "*The late charge here in public affairs is great and strange, that we are like men in a dream, can hardly believe we see, and fear we are not fit for so great a mercy as the present juncture seems to promise. The sham Protestant plot (meaning the plot and treason aforesaid) is quite lost and confounded; the earl of Macclesfield is bringing actions of scandalum mangatum against all the Grand-jurymen that indicted him at the last assizes, and the several gentlemen that were indicted in Cheshire and Northamptonshire, will bring their several actions at law against them.*"———And further to fulfil, perfect and bring to effect his most wicked and detestable contrivances and intentions aforesaid, the said S. B. baronet, afterwards to wit, on the 20th day of December, in the 35th year of the reign, &c. at the parish of St. Michael, Cornhill, London, aforesaid, falsely, unlawfully, unjustly, corruptly and seditiously did make, compose and write, and caused to be made, composed, written and published, a certain other false, scandalous, libellous and seditious libel, bearing date the 4th day of December, in the year of our Lord 1683, in which libel among other things were contained, these false, feigned, scandalous, malicious, libellous and seditious English sentences following, to wit, "*Contrary to most mens expectations, a warrant is signed at last, for beheading mr. Sidney, (meaning the said A. S.) at tower-hill, next Friday; great endeavours have been used to obtain his pardon, but the contrary party have carried it, which much dasheth our hopes, but God still governs.*" With intention to stir up, move and procure sedition, ill-will and discord between the said lord the king, and the subjects of the said lord the king of this kingdom of England, and also between the said subjects themselves, to the evil and pernicious example of all others in like case offending, and against the peace of the said lord the now king, his crown and dignity, &c.

The trial of the defendant on this information, is in the State Trials, vol. 3. 313 to 322.

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The King *against* Colmer.

3d. Sedition, by Words.

To wit. **T**HAT John Colmer, late of Chideock, in the county of Dorset, gentleman, not having the fear of God in his heart, but being moved and seduced by the instigation of the devil, and not weighing the duty of his allegiance, and entirely withdrawing the cordial love which every true and faithful subject of the said lord the king, towards the said lord the king, his supreme and natural lord should and suspected of right ought to bear, and devising, and intending to disturb the peace and public tranquillity of this kingdom of England, and to move sedition within this kingdom, and also to bring the said lord the king into hatred and scandal with his subjects, on the 7th day of November, in the 30th year of the reign of our lord Charles the 2d, king, &c. with force and arms, &c. at Chideock, in the county aforesaid, then and there having a discourse with one Thomas Payne, then and there a constable of Chideock aforesaid, in the county aforesaid, and with Richard Luce, clerk, (the said Thomas Payne being authorized by certain deputy lieutenants of the county aforesaid, to search for arms in the houses of suspected papists) he the said J. C. in the hearing and in the presence of them the said Thomas and Richard, and of divers other liege subjects of the said lord the now king, then and there being present, advisedly, seditiously, maliciously and contemptuously, openly and publicly, with a loud voice did speak, utter, declare and pronounce these express, seditious, malicious and contemptuous English words following, to wit, "*You (meaning the said Thomas Payne) have searched the first and second time for arms, and you may search the third and fourth time, and not find what you look for, and yet we (meaning himself and other papists) may have arms enough to do your business.*" To the great contempt of the said lord the now king, to the evil example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c.

* P. 59.

The

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The King *against* Snow.

Hilary, 1st of James 2d. Roll. 46.

Information
for seditious
words.

To wit. **T**HAT William Snow, late of Westminster, in the county of Middlesex, gentleman, being a pernicious and seditious man, of impious, unquiet and turbulent disposition, devising, practising, and falsely, wickedly, maliciously and seditiously intending the most serene lord Charles the 2d, the now king of England, &c. his natural lord, and also James duke of York and Albany, the only brother of the said lord the now king, and the justices, the judges, and also the common justice of this kingdom of England, and the government thereof, by the said lord the king, to bring and draw into the greatest contempt, hatred and disregard with all the liege subjects of the said lord the now king, and to disquiet, molest and disturb the public tranquillity and happy state of this kingdom of England; and that the said W. S. to fulfil, perfect and bring to effect his most wicked, detestable, diabolical and seditious devices, practices and intentions, on the 21st day of November, in the 30th year of the reign, &c. at the parish of St. Stephen, Coleman-street, London, in the presence, and in the hearing of divers of the liege subjects of the said lord the king, then and there being present, having a discourse concerning the said lord the now king, and the said James duke of York and Albany, and also of the rule and government of the said lord the now king, of this his kingdom of England, he the said W. S. then and there falsely, unlawfully, unjustly, wickedly, maliciously and * seditiously did speak, assert, publish, pronounce, and with a loud voice did declare, "*That if the Duke of Monmouth (meaning James Duke of Monmouth) had not obeyed the warrant and messenger, the differences then stirred up among divers evil-disposed and seditious persons, within this kingdom of England, would in a short time have been decided, because there then were a thousand persons in the city of London, and elsewhere, ready to assist him the Duke of Monmouth; and that they (meaning the W. W. and divers evil-disposed and seditious persons, within this kingdom of England) were certain that the government of this kingdom, could not stand until Christmas, because the Londoners, and the eastern and western protestants were ready, and that*

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that divers hundreds then belonged to club meetings within the city of London, and in the parts thereto circumjacent; and that they (meaning divers factious and seditious persons within this kingdom of England) at the then last parliament were determined to stick to, and that there were clubs through the whole kingdom of England for those purposes." And the said attorney-general of the said lord the king, for the said lord the king further gives the court here to understand and to be informed that the said William Snow, then and there, to wit, on the said 21st day of November, in the 35th year, &c. aforesaid, at the parish of St. Stephen, Coleman-street, London, aforesaid, in the presence, and in the hearing of divers of the liege subjects of the said lord the king then and there being present, falsely, wickedly, maliciously and seditiously did say, assert and publish, and with a loud voice did declare, "*That the lord the now king was a papist in his heart, and that Stephen College (who then lately before for certain high treasons, in the lawful manner was attainted and executed) did undeservedly die, and that the prosecutors of the said S. C. the judges and jury before whom, and by whom the said S. C. was tried, convicted and attainted for that cause, should be taken off, for what they had done; and that the said lord the now king, and the said James Duke of York and Albany were combined in the burning of London,*" (meaning the late great burning of the city of London) to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c.

* *The King against Edes.*

* P. 61.

Trinity, 1st James 2d. Roll 25.

Suffex, **T**HAT Henry Edes, late of Chichester, in the county of Suffex, doctor in divinity, being a pernicious, factious and seditious man, and a person of a depraved mind, of impious, unquiet, turbulent and seditious disposition and conversation, and devising, practising and falsely, maliciously and most wickedly intending to disquiet, molest and disturb the peace and the publick tranquillity of this kingdom of England, and to bring and draw the most serene lord Charles the 2d late king of England, and his royal Majesty, and also his crown and dignity, and the government and rule of this kingdom of England

Information for speaking in commendation of a seditious book.

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England by law established, into the greatest hatred, contempt and disregard, and to fulfil, perfect, and bring to effect his most wicked, detestable and diabolical contrivances, devices and intentions aforesaid, he the said H. E. on the 5th day of Sept. in the 36th year of the reign of the said lord Charles the 2d, late king of England, at Chichester aforesaid, in the county of Suffex aforesaid, having a discourse with divers liege and faithful subjects of the said lord the late king, of and concerning a certain unlawful, seditious and libellous book, printed of and concerning the king, parliament and government of this kingdom of England, entitled, "*A treatise of Monarchy,*" he the said Henry Edes then and there falsely, unlawfully, unjustly, wickedly, maliciously and seditiously in the presence and hearing of divers liege subjects of the said late lord the king, then and there being present, of the said false, seditious and libellous book, falsely, unlawfully, unjustly, wickedly and seditiously did say, assert, publish and affirm for truth that the said book, entitled a treatise of Monarchy, was the best book of the kind that ever was written, and that the contents of the said book were true, and that the said book was not answerable. And the said attorney general of the said lord the now king, for the said lord the king further gives the court here to understand and be informed that in the said false, libellous and seditious book, among other things were contained these words following, to wit, "*This is my assertion, the two estates in parliament* (meaning the lords and commons of this kingdom of England, in parliament assembled) *may lawfully by force of arms, resist any persons or number of persons advising or assisting the king,* (meaning the said late lord the king of this kingdom of England, and the successors of the said lord the king) *in the performance of a command illegal and destructive to themselves or the public.*" And that in another place of the said false, libellous and seditious book, among other things were contained these other false, libellous and seditious English sentences, to wit, "*Because it is a power put into the two estates,* (meaning the lords and commons of this kingdom of England, in parliament assembled) *by the very reason of their institution, and therefore they* (meaning the lords and commons of the * parliament of this kingdom of England) *not only may but also ought to use it for public safety, yea they* (meaning the lords and commons of this kingdom of England, in parliament assembled) *should betray the very trust reposed in them by the fundamentals of the kingdom,* (meaning this kingdom of England) *if they should not. An authority legislative they have; now to make laws and to preserve laws are acts of the same power, yea if three powers* (meaning the kings of this kingdom of England, and the lords spiritual and temporal, and the commons of the same assembled) *jointly have interest in making laws, surely either of these severally have and ought to use that power in preserving them.*"

And

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And that in another place in the said false, libellous and seditious book, among other things were contained these other false, seditious and libellous sentences in these English words, to wit, "*The two houses* (meaning the houses of Lords and Commons of this kingdom of England in parliament assembled) *in virtue of the legislative authority in part residing in them are invested in the preservation of laws and government as well as the king* (meaning the said late lord the king, and the other kings of this kingdom of England) *and in case the king should misemploy that power of arms to strengthen subverting instruments, or in case the laws and government be in apparent danger, the king refusing to use the sword to that end of preservation to which it was committed to him, I say in this case the two estates* (meaning the Lords and Commons of this kingdom of England in parliament assembled) *may by extraordinary and temporary ordinances assume those arms wherewith the king is entrusted and perform the king's trust, and though such ordinances of theirs be not formally legal, yet it is eminently legal, justified by the very intent of the Architects of the government, when for those uses they committed these arms to the king, and no doubt they may command the strength of the kingdom, to save the being of the kingdom, for none can reasonably imagine the architectonical Powers, when they committed the power of government, and arms to one to preserve the frame they had composed, did thereby intend to disable any much less the two estates from preserving it in case the king should fail to do it, in this last need, and thus doing the king's work, it ought to be interpreted as done by his will, because as the law is his will, so that the law should be preserved in his will, which he expressed when he undertook the government, 'tis his deliberate will and ought to be done though at any time he oppose by an after will, for that is his sudden will."*

And the said attorney-general of the said lord the now king, for the said lord the king further gives the court here to understand and to be informed, that in another place in the said false, malicious, scandalous and seditious book, among other things were contained these other false, scandalous, seditious and defamatory sentences in these English words following, to wit, "*Affirmatively I conceive three cases when the other estates may lawfully assume the force of the kingdom, the king* (meaning the lord the late king and the other successors of the said late king) *not joining or dissenting though the same be by law committed to* * *him. First, when there is an invasion actually made or imminently feared by a foreign power. Secondly, when by an intestine faction, the laws and frame of government are secretly undermined or openly assaulted; in both these cases, the being of the government being endangered their trust binds as to assist the king in securing, so to secure it by themselves the king refusing in extreme necessities; the liberty of voices cannot take place, neither ought a negative voice to hinder in this exigency, there being no freedom of deliberation and choice when the question is about the last end, their* (meaning the

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lords and commons of this kingdom of England in parliament assembled) *assuming the sword (in these cases) is for the king, whose being (as king) depends on the being of the kingdom, and being interpretatively his act, is no disparagement of his prerogative, thirdly, in case the fundamental rights, of either of the three estates be invaded by one or both the rest, the wronged may lawfully assume force, because else it were not free, but dependant on the pleasure of the other.*" And the said attorney-general of the said lord the now king, for the said lord the king further gives the court here to understand and be informed that the said Henry Edes, afterwards to wit, on the said 5th day of September, in the 36th year of the reign of the said lord the king as aforesaid, at Chichester aforesaid, in the county of Suffex aforesaid, falsely, unlawfully, unjustly, wickedly, maliciously and seditiously in the presence and hearing of divers liege subjects of the said lord the late king, then and there being present, did say, assert, affirm, publish, and with a loud voice did declare, "*That the French king is in great power with his army, and that we (meaning the people of this kingdom of England) are in great danger of being invaded, but if the lord the king (meaning the lord Charles the 2d, late king of England) would rouse the army of antient soldiers, (meaning the soldiers of Oliver Cromwell late then before a traiterous usurper of this kingdom of England) then that we (meaning the subjects of this kingdom of England) would be safe: and I (meaning him the said Henry Edes) will lay a wager of an hundred pounds, that the French king next intends to invade and conquer us,*" (meaning the subjects of the said kingdom of England). To the evil example of all others in like case offending, and against the peace as well of the said late lord the king, as of the lord the now king their crowns and dignities. Whereupon the said coroner and attorney, &c. &c.

The defendant on a trial at bar, was convicted on this information, and after motion in arrest of judgment, the court gave judgment for the king. The case is reported 2 Shower 468.

* P. 64.

* The King *against* Sorocold.

- Easter, the 2d of James II.

Information for seditious words.	London, } To wit. }	THAT William Sorocold, late of London, gentleman, not having the fear of God before his eyes, but being moved and seduced by the instigation of
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of the devil, on the 21st day of January, in the year of the reign of our lord Charles the 2d, &c. at London, to wit, in the parish, &c. in the ward of Farringdon without, within London aforesaid, falsely, maliciously and seditiously contriving and devising, to move and stir up discord between the said lord the king, and his liege subjects within this kingdom of England, and to move the said lord the king to displeasure and suspicion towards the parliament of this kingdom of England, of and concerning the said lord the now king, then and there falsely, maliciously and seditiously in the presence and hearing of divers subjects of the said lord the king, did say, "*That before the 24th of next June, if the king* (meaning the said lord the king) *would permit the parliament* (meaning the parliament of this kingdom of England) *to sit, that he the said William Scroocold did not doubt to see the head of the king* (meaning the head of the said lord the king) *divided as far from his body* (meaning the body of the said lord the king) *as the head of his father* (meaning the head of Charles the 1st, late king of England, of blessed memory, the father of the said lord the now king) *ever was, for there are twenty-five articles against him,*" (again meaning the said lord the king). In contempt of the said lord the king. and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, and whereupon the said attorney, &c.

The King against Wetwang.

Trinity, 3d James II. Roll. 17.

Middlesex, } **T**HAT Joseph Wetwang, late of the parish of Information
 To wit. } St. Martin, in the fields, in the county of for seditious
 Middlesex, gentleman, being a pernicious and seditious man, words.
 and a person of a depraved, impious and unquiet mind, and Stubbs 641
 of seditious disposition and conversation, and devising, practising, and falsely, maliciously, turbulently and seditiously intending the peace and public tranquillity of the said lord the now king, and of this kingdom of England, to disquiet, molest, and disturb, and to bring and draw our most serene lord James the 2d, now king of England, into the greatest hatred, contempt and scandal, with all the liege and faithful subjects of this kingdom of England, and also the * colonels, captains, * P. 65
 K 2 lieutenant,

Indictments and Informations for Sedition.

lieutenants, and other military officers and soldiers of the said lord the king, to scandalize and vilify, and that the said Joseph Wetwang, to fulfil, perfect, and bring to effect his most wicked and detestable devices, practices and intentions aforesaid, on the 10th day of May, in the 3d year of the reign, &c. at the parish of St. Martin in the field, in the county, &c. [having a discourse then and there concerning the said lord the now king, and concerning the regiment of guards of the said lord the king, and of their business] in the presence, and in the hearing of divers liege subjects of the said lord the king, then and there present, falsely, maliciously, unlawfully, wickedly and seditiously, of the said lord the now king, and of his colonels and officers, did say, assert, affirm and publish, and with a loud voice did declare, these false, feigned, malicious, seditious and opprobrious English words and falsehoods following, to wit, "*The colonels and the rest of the officers* (meaning the colonels, and the officers in the regiment of guards of the said lord the king) *are a company of rogues and villains, for that their business is to uphold their master,* (meaning the said lord the now king) *who* (meaning the said lord the king) *is a villain and a rogue, and never kept his word in any thing he* (meaning the said lord the king) *said.*" And the said Joseph Wetwang in further prosecution of his malice against the said lord the king, before had, afterwards to wit, on the same day and year, at, &c. falsely, maliciously, diabolically, seditiously and most wickedly, in the presence, and in the hearing of divers other liege and faithful subjects of the said lord the now king, then and there present, did say, utter, and with a loud voice did pronounce, assert and affirm, "*That the said lord the now king was a villain and a rogue, and never kept his word in any thing that he said.*" To the great scandal, dishonour and shame of the said lord the now king, the colonels, captains, and the other officers, and soldiers, of the guards of the said lord the king, to the evil example of all others, &c. and against the peace, &c.

The King against Harris.

Easter, 36 Charles the 2d.

Information Berks, } **T**HAT Edward Harris, late of the town of New
 "for seditious words, Towit, Windsor, in the county of Berks, gent, being
 spoken upon a person of an evil-disposed and depraved mind, and also of un-
 hanging quiet, seditious and turbulent disposition, and devising, prac-
 up the kings tising, and falsely, maliciously and seditiously intending most
 picture. wickedly

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wickedly to draw and bring the most serene prince the lord Charles the 2d, king, &c. his supreme, &c. natural lord, into the greatest hatred, contempt, ridicule, and scandal with all the liege subjects of the said lord the now king, and to expose the said lord the king as a mocking stock, and to diminish his imperial dignity among his subjects, and to fulfil, perfect, and bring to effect his most wicked, * detestable and diabolical intentions aforesaid, the said E. H. on the day of in the year, &c. at, &c. in the county, &c. having a discourse with divers subjects of the said lord the now king, concerning the said lord the now king and a picture of the said lord the now king, impiously, maliciously, factiously, seditiously, and in derision of the said lord the now king did say, pronounce, and with a loud voice did declare these malicious, scandalous, and opprobrious words following, to wit, *I*, [meaning him the said E. H.] *will go and see that comical fellow*, [meaning in derision the said lord the now king] *drawn up*; and that the said E. H. afterwards, to wit, on the same day and year, at the said town of New Windsor, in the said county of Berks, upon a certain other discourse, with divers other liege and faithful subjects of the said lord the king then and there had of and concerning the said lord the now king, and of the said picture of the said lord the now king in the presence and hearing of divers persons then and there present and hearing, of the said lord the now king, and of the picture aforesaid, maliciously, impiously and in derision of the said lord the now king did say, pronounce, and with a loud voice did publish and declare, "*That he (the said E. H.) did not care if he (the said E. H.) went and saw that comical fellow* (meaning in derision the said lord the now king) *drawn up*," against the duty of his allegiance, in great contempt of the said lord the now king, and to the evil example of all others in the like case offending, and against the peace, &c. &c.

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The King against Harvey:

Trinity, 3d James 2d.

Lincoln, } **T**HAT Thomas Harvey, late of Spalding, in the
To wit, } county of Lincoln, bricklayer, being a pernicious
and seditious person, of depraved mind and imagination, and
devising, and falsely, maliciously, and seditiously intending,
the peace and public tranquillity of the said lord the king and
of his subjects of this kingdom of England, to disquiet, molest
and disturb, and to move and provoke insurrection and rebelli-
Information
for affirm-
ing that the
duke of
Monmouth
was alive
after his
execution
On for treason,

Indictments and Informations for Sedition.

*"the words
spoken in
discourse
with ano-
ther."*

on within this kingdom of England, and to create false opinions and suspicions among the people and subjects of the said lord the king, concerning James, late duke of Monmouth, lately convicted, attainted, and executed, and who suffered the punishment of death for high-treason against the said lord the now king, and to cause the said subjects to be of opinion, and to believe, that the said James, late duke of Monmouth was alive, and in full life after his execution aforesaid, and after the suffering of the punishment of death, with intention and purpose to withdraw the cordial love, due fidelity and allegiance of divers subjects of the said lord the king from the said lord the king, and to cause the said liege subjects of the said lord the king, to leave and desert the said lord the now king; and that the said Thomas Harvey to fulfil, perfect and bring to effect his most wicked devices, and diabolical * intentions

* P. 67. aforesaid, on the 31st of March, in the 3d year, &c, after the death of the said duke of Monmouth, at Spalding, aforesaid, in the county aforesaid, having a discourse with one James O—gent. and divers other subjects of the said lord the now king, being then and there collected of and concerning the said James late duke of Monmouth, convicted, attainted, and executed for high-treason as is aforesaid, he the said T. H. then and there in the presence and hearing of the said J. O. and of divers liege subjects of the said lord the now king then and there present, concerning the said James late duke of Monmouth, attainted and executed for high-treason as is aforesaid, falsely advisedly, maliciously, and seditiously, did say, assert, publish and declare, "*That the said James duke of Monmouth then was alive and living, and that then there were none but fools who believed that he (the late duke of Monmouth) was dead,*" and the said J. O. [then and there answering the said T. H.] then and there did say to the said T. H. "*That if he the said T. H. held at that rate, that he would reflect upon the said lord the king, and the privy-council of the said lord the now king,*" whereupon the said T. H. of his further malice, to the said J. O. falsely, seditiously, turbulently, and factiously replying this in the presence of divers subjects then and there present, did say, answer, and with a loud voice did publish, concerning the said late duke of Monmouth, that "*he the said duke of Monmouth was alive, and in this life, and that all were fools who believed to the contrary.*" Against the duty of his allegiance, in contempt of the said lord the now king, and of his laws, and to the evil and pernicious example, &c. &c.

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The King against Watſon.

Hilary, the 36th Charles II.

London, } **T**HAT Randolph Watſon, late of the pariſh, &c. *Information*
To wit. } being a factious, irreligious, pernicious, and for con-
ſeditious man, and deviſing, practiſing, and falſely, malici- temptuous
ouſly, ſeditiouſly and unlawfully intending the book of the words a-
common prayer, rightly, lawfully and piously eſtabliſhed and gainſt the
appointed by the laws and ſtatutes of this kingdom of Eng- common
land, into the greateſt hatred, contempt and ſcandal, with all Prayer, and
the liege ſubjects of the ſaid lord the king, to bring and church.
draw, and to fulfil, perfect, and bring to effect his moſt wicked,
deſteſtable and diabolical intentions aforeſaid, the ſaid Randolph
Watſon then and there in derogation, depravation and contempt
of the ſaid book of common prayer, wickedly, diabolically,
maliciouſly and ſeditiouſly in plain Engliſh words, did declare,
ſay and publiſh as follows, “ *The common prayer of the church*
are innovations, it is too early now to have the organs, if I had
thought of it there was fidlers at Thomas Chandler’s, (meaning the
houſe of one Thomas Chandler, ſituate in * the pariſh afore- * P. 68
ſaid) *I would have brought them down that you* (meaning the ſub-
jects of the ſaid lord the king then preſent) *might have muſick*
with your prayers, (meaning the common prayers in the book of
common prayer aforeſaid contained) *you that are ſo hot in zeal,*
that can be warm by the prayers of the church, may go and warm
yourſelves by them, (meaning the common prayers aforeſaid) *for*
they could never warm me, (meaning him the ſaid Randolph
Watſon) *I* (meaning him the ſaid R. W.) *dare aver that neither*
the laws of God or man can command or require it (meaning
the uſe of the prayers in the ſaid book of common prayer men-
tioned and contained) *of us; thoſe that will have a may-pole,*
ſhall have a may-pole, and thoſe that will have no may-pole, ſhall
have no may-pole.” In manifeſt contempt of the laws of this
kingdom of England, to the evil example of all others in the
like caſe offending, and againſt the peace, &c.

Indictments

Indictments for scandalizing Magistrates, &c.

Indictments for scandalizing Magistrates, and others.

1. By Libels. 2. By Words.

1. By Libels.

Information
for publish-
ing a scan-
dalous libel
on a private
person, in
the form of
a letter.

Surry, } **BE** it remembered that Thomas Fanshaw, knight,
To wit. } coroner and attorney of the lord the king, in the
for the said lord the king, before the king himself, who
on a private person comes here into the court of the said lord the king,
before the king himself at Westminster, on Monday next after
the octave of St. Hilary, in this same term, and for the said
lord the king gives the court here to understand and to be
informed, that G. S. late of, &c. in the county of Surry,
yeoman, being a person of evil name, fame and of impious
conversation, on the day, &c. in the 21st year of the
reign of the lord Charles the 2d, king, &c. and on divers other
days and times before, at, &c. devising, intending and practising
to deprive one H. R. esquire, of his good name, fame and
credit, and to bring the said H. R. into the greatest hatred,
scandal, contempt and infamy, as well with the said lord the
king as with all the liege subjects of the said lord the king of
this kingdom of England, and to fulfil and perfect his said
devices, intentions and practices, the said G. S. on the said
day of, &c. in the 21st year of the reign of the lord
the now king aforesaid, at S. aforesaid, in the said county of
Surry, a certain false, malicious, scandalous and libellous
writing, against the said H. R. falsely, maliciously and scan-
dalously did frame and make, and in the name of the said G. S.
then and there did cause to be written and published under the
form of a * letter directed to the said H. R. the tenor of
which writing follows in these English words and figures follow-
ing, to wit, "*These fer, &c.*" (reciting the whole writing ver-
batim & literatim) and that the said G. S. with intention to
scandalize the said H. R. and bring him into contempt, the
said false, malicious, scandalous and libellous writing, so
framed and made as aforesaid, afterwards to wit, on the said
day and year aforesaid, and at divers others days and times
then before, at, &c. to divers subjects of the said lord the king
them

* P. 69.

Indictments for scandalizing Magistrates, &c.

then and there present, falsely, maliciously and scandalously did deliver and caused to be delivered, and did publish, to the great scandal, infamy, and great damage of him the said H. R. and to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the king, his crown and dignity, &c. Whereupon the said coroner and attorney of the said lord the king, for the said lord the king prays the consideration of the court here in the premisses, and that due process of law may be awarded against the said G. S. in this behalf, to make him answer to the said lord the king, of and concerning the premisses, &c. whereupon the sheriff of the county of Surry is commanded that he do not omit, &c. but that he cause him to come, &c. to answer, &c.

Not-guilty pleaded, venire facias awarded.

The King against Newton.

Hilary, the 1st of James the 2d. Roll 125.

York, } **T**O be informed that Hugh Cholmley, baronet, on Information
To wit. } the 31st day of July, in the 30th year of the for fixing a
reign of the lord Charles the 2d; late king of England, &c. scandalous
and long before and continually after until the 5th day of Fe- libel, on
bruary, in the 37th year of the reign of the said late lord the Whitby-
king, was lord of the manor of Whitby, in the county of Yorkshire, bridge, in
York, and one of the justices of the said lord the late king, reflecting
assigned to preserve the peace of the said lord the late king, upon Sir H.
the north riding of the county of York aforesaid, and also one C. lord of
of the deputy lieutenants of the said lord the late king, in the the manor
north riding aforesaid, in the county aforesaid, and that the of Whitby,
said Hugh Cholmley on the 31st day of July, in the 36th justice of
year aforesaid, at Whitby, in the county aforesaid, by his cer- peace, and
tain writing, under his hand and seal, bearing date the said deputy lie-
31st day of July, in the 36th year aforesaid; did authorize one the same
Christopher Wise to be one of his game-keepers within the county, for
manor aforesaid, and the said Hugh Cholmley, among other hanging a
things by the said writing did command the said Christopher grey-hound
to take and seize all grey-hounds which were used within the taken with-
manor aforesaid, by any person prohibited by the statute made in his ma-
in the 22d and 23d years of the said lord the late king, and 101.
that the said Christopher Wise so being as aforesaid, one of the
game-keepers within the manor aforesaid, afterwards to wit,
on

Indictments for scandalizing Magistrates, &c.

P. 75.
 on the day and year, &c. at W: within the manor aforesaid, by virtue of the writing aforesaid, did seize a certain grey-hound of one Isaac Newton, gent. [commonly called Captain Newton] and the said dog to the mansion-house * of the said H. Cholmley, in Whitby aforesaid, [commonly called Whitby-abbey] did lead, and the said dog then and there did hang: And that the said I. N. of W. aforesaid, in the county aforesaid, gentleman, well-knowing the premises aforesaid, but being a person of evil and wicked conversation, and a malicious slanderer of persons of good and honest name; reputation and conversation, and a common fighter, and provoker, and challenger to fight, and disturber of the peace of the lord the king, and contriving and maliciously intending, the said H. C. to scandalize, defame and to bring into hatred and contempt, on the day and year, &c. at W: aforesaid, in the county aforesaid, a certain false, malicious, scandalous and defamatory libel in writing, of and concerning the said H. C. falsely, unlawfully and maliciously in and upon a certain bridge, commonly called Whitby-bridge, at Whitby aforesaid, did fix and publish, the tenor of which false, malicious, scandalous and defamatory libel, follows, to wit, "*He that sent for Captain Newton's grey-hound, to Whitby-abbey, and since caused him to be hanged, is a base cowardly rascal, and was not worthy of the honour to be topman to such a dog. Whitby men beware of those people who one day may have no more esteem for you than they now have for dogs. You are advised by your assured friend, Isaac Newton.*" In contempt of the laws of this kingdom of England, to the great scandal, disgrace and infamy of the said H. C. to the evil example of all others in the like case offending, and against the peace as well of the said lord the late king, as of the lord the now king, their crowns and dignities. Whereupon the said attorney, &c.

The King against Oakover.

Hilary, the 2d and 3d of James the 2d.

Information for writing a scandalous letter, by way of challenge, and publishing the same, and giving out that he ex-
Middlesex,
THAT Humphrey Oakover, late of, &c. and To wit. Others, &c. and each and every of them being persons of evil fame, name, and dishonest conversation, and common fighters, and duellers, and challengers, and instigators to fight, and disturbers of the peace of the said lord the now king, and devising, practising, conspiring and intending, as much as in them lay, not only to deceive and defraud one R. R. baronet, of divers sums of money, but also to disquiet and

Indicements for scandalizing Magistrates, &c.

and molest the happy state and condition of the said R. R. baronet, and him to bring and draw into the greatest hatred, contempt and scandal with the said lord the now king, and with all the liege subjects of the said lord the king of this kingdom of England, and to fulfil, perfect, and bring to effect their most wicked conspiracies, devices, practices and intentions aforesaid, they the said H. O. and others, on the day and year, &c. at, &c. demanded of the said R. R. one thousand pounds, which they then pretended to be due to them, or one of them, from and by the said R. R. which when the said R. R. then denied to be due, or to pay the same, they the said H. O. and others, then and there did declare, and publish that the said R. R. should pay to them, or one of them, the said thousand pounds, or that he should fight them the said H. O. and others, &c. and afterwards to wit, on the day, &c. in the year, &c. aforesaid, they the said H. O. and others, in further prosecution of their conspiracies, devices and practices aforesaid, a certain malicious writing, did frame and make, and did cause to be framed and made, and then and there did cause to be written and published under the name of the said H. O. and under the form of a letter directed to the said R. R. baronet, &c. (with intention to incite and move the said R. R. to fight the duel aforesaid, with the said H. O. so that the said H. O. might kill and murder the said R. R. baronet) in these English words following, to wit, &c. *Sir, I do, &c. (as in the letter).* And that the said H. O. and others, with intention to provoke the said R. R. to fight with the said H. O. and to scandalize and disquiet the said R. R. and to bring him into contempt, the said malicious writing afterwards to wit, on the day and year aforesaid, at, &c. to the said R. R. did send, and did cause to be delivered, and also to divers subjects of the said lord the king, then and there maliciously and scandalously did publish, and caused to be published; and the said coroner and attorney of the said lord the king, for the said lord the king further gives the court here to understand, and to be informed, that afterwards to wit, on the day and year &c. at, &c. the said H. O. did publish and declare, *"That he the said H. O. did expect of the said R. R. baronet, one thousand pieces of gold, called guineas, or that the said R. R. with his friend, would meet the said H. O. and if the said R. R. would not meet the said H. O. that he the said H. O. would expose the said R. R. in all the coffee-houses in town, at Whitehall, and the said H. O. then and there did declare, that he the said H. O. would set upon the said R. R. wheresoever the said H. O. could meet the said R. R."* And the said H. O. and others, other wrongs then and there with force and arms to the said R. R. did, to the great scandal, infamy, great damage and disparagement of the said R. R. in contempt of the said lord the now king, and of his laws, to the evil example, &c. and against the peace, &c.

Indiſciments for ſcandalizing Magiſtrates, &c.

The King *againſt* Jackett.

Michaelmas, 1ſt James II.

Information
for two
ſcandalous
libels on the
Earl of Fe-
verſham.

Middleſex, **T**HAT Helen Jackett, late of the pariſh of St. Martin, in the fields, in the county of Middleſex, ſpinſter, otherwiſe called Helen Lloyd, the wiſe of John Lloyd, late of the pariſh aforeſaid, in the county aforeſaid, eſq. otherwiſe called Helen Lloyd, of the pariſh aforeſaid, in the county aforeſaid widow, being a perſon of a depraved mind, and of impious, unquiet and turbulent diſpoſition and converſation, and deviſing, practiſing, and falſely, maliciously, wickedly and turbulently intending (as much as in her lay) to diſquiet, moleſt and diſturb the happy ſtate and tranquility of the moſt noble Lewis, Earl of Feverſham, * one of the peers of this kingdom of England, and other liege and faithful ſubjects of the ſaid lord the king, to the ſaid attorney-general as yet unknown, and to bring and draw the ſaid Lewis, Earl of Feverſham into the greateſt hatred, contempt, ſcandal and diſgrace with the ſaid lord the now king, and with all the liege and faithful ſubjects of the ſaid lord the now king of this his kingdom of England; and to fulfil, perfect, and bring to effect her moſt wicked, deteſtable and diabolical devices, practices and intentions aforeſaid, ſhe the ſaid Helen Jackett, on the 14th day of April, in the 1ſt year, &c. with force and arms, &c. at the pariſh of St. Martin in the fields, in the county of Middleſex, falſely, maliciously, unlawfully, unjuſtly, wickedly, ſcandalouſly and libellouſly did make, compoſe, write and publiſh, and did cauſe to be written and publiſhed, a certain falſe, libellous and defamatory letter, of and concerning the ſaid Lewis Earl of Feverſham, in which falſe, ſcandalous, libellous and defamatory letter, among other things were contained, theſe falſe, ſcandalous, defamatory Engliſh ſentences following, to wit, "*This for the Earl of Feverſham, &c.*" And the ſaid attorney-general of the ſaid lord the now king, for the ſaid lord the king further gives the court here to underſtand and to be informed, that the ſaid Helen Jackett in further proſecution of her moſt wicked and deteſtable devices and practices aforeſaid, ſhe the ſaid H. Jackett afterwards to wit, on the 22d day of October, in the 1ſt year, &c. aforeſaid, with force and arms, &c. at, &c. falſely, maliciously, unlawfully, unjuſtly, wickedly, ſcandalouſly

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scandalously and libellously did make, compose, write and publish, and cause to be made, composed, written and published, a certain other false, libellous, scandalous, and defamatory letter, of and concerning the said Lewis, Earl of Feversham, subscribed with the name Helen Vaughan, and directed to the said Lewis, Earl of Feversham, the tenor of which other letter is as follows, "*this for the Earl of Feversham, &c.*" To the great contempt, scandal, infamy and disparagement of the said Lewis, Earl of Feversham, to the evil and pernicious example, &c. and against the peace, &c.

* The King *against* Barbone.

* P. 73.

Michaelmas, the 36th of Charles the 2d,

2. By Words.

Middlesex, } **T**HAT Nicholas Barbone, late of, &c. R. A. Indictment
To wit. } late of, &c. and others, &c. with divers other for con-
malefactors and disturbers of the peace of the said lord the temptuous
now king, to the number of one hundred persons, to the ju- words,
rors aforesaid as yet unknown, on the day and year, &c. as spoken of
rioters, routers, disturbers of the peace of the said lord the a justice of
now king, to disturb the peace of the said lord the now king, the peace:
at, &c. with force and arms, &c. unlawfully, riotously and
routously did assemble and collect themselves, and so being
then and there assembled and collected, a certain gate of the
said lord the king, commonly called King's-gate, Holbourn,
the fore part thereof being at that time, with a certain bolt
fastened to one post, and the hinder part of the gate aforesaid,
being at that time hanging upon hooks in another post, fixed
in the parish aforesaid, then and there violently, unlawfully,
riotously, routously and injuriously did lift off the hooks afore-
said, and then and there the gate aforesaid, forcibly, unlaw-
fully, riotously, routously and injuriously did throw and set
open; and the jurors aforesaid further say upon their oath
aforesaid, that Edward Guise, esquire, then and as yet, one
of the justices of the said lord the king, assigned to preserve
the peace in the county aforesaid, and also, &c. then and there
being present, with one W. C. then and as yet one of the con-
stables of the said lord the king, within the parish aforesaid,
&c. to make his best endeavour to suppress the riot aforesaid,
and to preserve the peace of the said lord the king, the said
S. F. one of the rioters aforesaid, so riotously and routously
assembled with the other rioters aforesaid, not ignorant of the
premises,

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premisses, but devising, and maliciously and contemptuously intending, as much as in him lay, to take away and contempt the authority of the said Edward Guise, and of all the other justices of the said lord the king, within the county aforesaid, and to bring the said justice into contempt and hatred with the liege subjects of the said lord the king, these opprobrious and contemptuous English words following, concerning the said justice of the said lord the king, in the presence and hearing of divers liege subjects of the said lord the king, then and there did say, pronounce, and with a loud voice did publish, to wit, "*There shall be no more justices long;*" and the jurors aforesaid, upon their oath aforesaid, further say that the said N. B. and others, &c. as aforesaid, riotously, routously and unlawfully assembled, not weighing the duty of their allegiance, but devising and maliciously intending, not only to disturb the peace of the said lord the king, and the public tranquillity of this kingdom of England, but also as much as in them lay, to bring and draw the said lord the king, into hatred, scandal, disaffection, dishonour and contempt with all his faithful subjects; on the day aforesaid, in the year aforesaid, at the parish aforesaid, &c. of their wicked minds, maliciously, scandalously, contemptuously and advisedly, in the presence and hearing of divers liege subjects of the said lord the now king, then and there present did speak, publish and utter, of the said lord the now king, these opprobrious, contemptuous, scandalous, seditious English words following, to wit, "*that the king himself, (meaning the said lord the now king) is but a trespasser here,*" against the duty of their allegiance, in great contempt, scandal, dishonour, derogation and infamy of the Royal Majesty of the said lord the now king, and in great contempt and derogation of the authority of the said justice, to the great disquiet, terror and fear of all the liege subjects of the said lord the king, then and there dwelling and residing, to the evil, pernicious and bad example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c.

* P. 75. *

The King against Price.

Michaelmas, the 36th Charles the 2d.

Information *The town and*
for scandalous words *county of Ha-*
spoken of a *verford West,*
justice of *To wit.*
peace.

{

THAT James Price, late of, &c. in the county, &c. being a person of evil disposition, and a malicious brawler and slanderer of persons of good and honest conversation

Indictments for scandalizing Magistrates, &c.

tion and reputation, and also devising and maliciously intending one A. L. then one of the justices of the said lord the king, assigned to preserve the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds in the said county perpetrated, to bring and draw into the greatest hatred, contempt and scandal, among the liege subjects of the said lord the king, on the day and year, &c. at, &c. in the county, &c. falsely, maliciously, scandalously, and of his most wicked intention, these false, feigned, odious and scandalous English words following, of and concerning the said A. L. openly and publickly in the presence and hearing of divers liege subjects of the said lord the king, then and there present, † to wit, "*thou* (meaning the said A. L.) *† Did say, art a bribing justice of the peace.*" Whereupon the said A. then publish, pronounce and declare, following; to wit, "*What do you* (meaning the said James) *(seem to be mean by that ?*" to which question of the said A. the said J. then and there did answer in these English words, to wit, "*thou* here, they (meaning the said A.) *hast received bribes to my knowledge,* (meaning the knowledge of him the said J.) *and I* (meaning the said J.) *will prove it.*" To the great contempt, scandal, reproach and disgrace of the said A. L. to the evil example of all others, &c. against the peace, &c. Whereupon the said attorney, &c.

• The King against Nosworthy.

• P. 75.

Easter, 36th Charles the 2d.

Wilts, } **T**HAT on Wednesday, next after three weeks of Information
To wit. } Easter, in the 33d year of the reign of our lord for reflect-
Charles 2d, of England, &c. now king, &c. in the court of the ing words
said lord the king, before the king himself here, one Edward spoken of
Fitzharris, late of the parish of St. Martin, in the fields, in Sir Francis
the county of Middlesex, gentleman, by the oath of twelve Pemberton,
jurors, good and lawful men of the said county, in the due chief justice
manner was indicted for high treason, in traiterously compass- of the King's
sing, imagining and intending the death and final destruction Bench, and
of the said lord the king, and to change, alter and entirely the rest of
subvert the ancient government of this kingdom of England, the judges of
and to depose and deprive him the said lord the now king, for giving
his title, honour and royal name, and of the imperial crown against Ed- judgment
of this kingdom of England, and to move and levy war, and ward Fitz-
rebellion, against the said lord the king, within this kingdom harri, in-
of England, and that afterwards to wit, on the Wednesday next dicted for
after, where- High-Trea-

Indictments for scandalizing Magistrates, &c.

in great
part of the
record is
set out.

after one month of Easter, in the 33^d year of the reign of the said lord the now king aforesaid, in the said court here, came the said Edward Fitzharris, in his proper person, and being demander of the premisses above charged against him, how he would acquit himself, thereof, said that he ought not to be compelled to answer to the indictment aforesaid, because he said that before the indictment aforesaid, by the jurors aforesaid, in the form aforesaid found, to wit, at a parliament of the lord the now king, begun and held at Oxford, in the county of Oxford, on the day of, &c. and in the year, &c. he the said E. F. by the knights, citizens and burgeses in the said parliament assembled, in the name of themselves, and of all the commons of England, according to the law and custom of parliament, of high-treason, before the lords and peers of this kingdom of England, in the same parliament assembled, was impeached, and that the said impeachment at that time did remain and exist in its full force and effect, as by the record thereof, among the records of parliament remaining did more fully appear; and the said E. F. then and there further said, that the high-treason in the indictment aforesaid, by the jurors aforesaid, in the form aforesaid found, specified and mentioned, and the high-treason, whereof he the said E. F. in the parliament aforesaid, then as aforesaid was and stood impeached, were one and the same treason, and not another nor different, and that he the said E. F. in the indictment aforesaid named, and the said E. F. in the impeachment named, was one and the same person, and not another, nor different, and that this he was ready to verify, &c. whereupon he the said E. F. prayed judgment, if the said court here would any further proceed against him upon the indictment aforesaid, &c. and Robert Sawyer, knight, then and as yet attorney-general of the said lord the now king, who for the said lord the king, in that behalf prosecuted, for the said lord the king, said that the plea aforesaid, by the said E. F. in the manner and form aforesaid above pleaded, and the matter therein contained were not sufficient in law to * preclude the said court here from proceeding upon the indictment aforesaid, and that this he was ready to verify as the said court should consider, whereupon he prayed judgment, and that the said E. F. to that indictment should answer. And the said E. F. did say that the plea aforesaid, by him the said E. F. in the manner and form aforesaid above pleaded, and the matter in the same contained, were good and sufficient in law to preclude the said court from proceeding upon the indictment aforesaid, which plea and the matter in the same contained, the said E. F. was ready to verify and prove, as the said court here should consider, whereupon as before, he prayed judgment if the said court would proceed further upon the indictment aforesaid, &c. and that afterwards to wit, on the Saturday next after one month of Easter,

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Easter, in the 33d year of the reign of the said lord the now king aforesaid, upon the seeing, reading and hearing a l and singular of the premisses for this, because that it seemed to the said court here, that the plea of the said E. F. in the manner and form aforesaid above pleaded, and the matter in the same plea contained, were not sufficient in law to preclude the said court of the said lord the king here, from proceeding on the indictment aforesaid, it was considered that the said E. F. to the indictment aforesaid should answer. And that upon the said judgment, Francis Pemberton, knight, at the said time chief justice of the said lord the king, assigned to hold pleas before the king himself, Thomas Jones, knight, and Thomas Raymond, kn. at that time two other justices of the said lord the king, assigned to hold pleas before the king himself, then and there judicially sat in the said court here, and then and there declared, that the plea of the said E. F. in the manner and form aforesaid above pleaded, and the matter in the same contained, were not sufficient in law to preclude the said court of the said lord the king here, from proceeding upon the indictment aforesaid; and that the said E. F. ought to answer to the indictment aforesaid, and thereupon the said E. F. being forthwith demanded of the premisses; by the indictment aforesaid above charged to him, how he would acquit himself thereof, said that he was not guilty thereof, and thereof for good and evil, put himself upon the country. And that afterwards to wit, in the term of the Holy Trinity, in the 33d year, &c. aforesaid, in the said court here, the said E. F. by a certain jury of the country thereupon taken, between the said lord the king and the said E. F. in the due manner was tried for the high-treason aforesaid, and upon that trial then and there, of the high-treason aforesaid, in the due manner was convicted, and thereupon by the judgment of the said court was attainted, and that the said Francis Pemberton, Thomas Jones and Thomas Raymond, then as aforesaid justices of the said lord the king, assigned to hold pleas before the king himself, judicially sat in the said court here, in the terms of Easter and of the Holy Trinity, at the arraignment, trial, conviction and attainer of the said E. F. of the high-treason aforesaid. And that one Edward Nosworthy, late of London, esquire, well knowing the premisses, and being a pernicious and seditious man, and devising, and maliciously intending to disturb the peace and public tradquility of this kingdom of England, and the said Francis Pemberton, Thomas Jones and Thomas Raymond, to * scandalize and bring into hatred and contempt, * on the 1st day of September, in the 33d year, &c. aforesaid, at New-Sarum, in the county of Wilts, having a discourse with F. I. and H. H. gentlemen, of and concerning the trial and execution of the said E. F. for the treason aforesaid, in the presence and hearing of divers liege subjects of the said

M

lord

Indictments for scandalizing Magistrates, &c.

lord the king, falsely, maliciously, subtilly, scandalously and seditiously did say, assert, publish and proclaim that, "*He* (meaning the said E. N.) *did hope that the next parliament would hang all the judges who gave it for the law to try E. F.*" (meaning the said E. F.) In contempt of the said lord the now king, and of his laws, to the great scandal and dishonour of the said Francis Pemberton, Thomas Jones and Thomas Raymond, to the evil and pernicious example, &c. against the peace, &c. whereupon the said attorney, &c.

The King *against* J. C.

Hilary, the 36th of Charles the 2d. *Roll* 103.

Information
for scanda-
lous words
on the court
of Admi-
rality.

London, } **T**HAT on the 19th day of October, in the
To wit. } year, &c. a certain cause was depending in
judgment, in the supreme court of the said lord the king, of
the admiralty of England, within the inn of the Lords Advo-
cates, situate near Paul's Wharf, London, before the venerable
and excellent lord Richard Lloyd, knt. doctor of laws, surro-
gate of the honourable man, the lord Leoline Jenkins, knight,
doctor of laws, lieutenant general and commissary in the su-
preme court of the admiralty of England aforesaid, and of the
said court, judge and president, lawfully constituted on the
part of Richard Peake, proprietor of one half part of a
certain hoy or smack, called the Providence of London, of
which John Whitfield then was late master, and of her tackle
and apparel, against the other half part of the said hoy or
smack, and her tackle and apparel belonging to the said J. W.
and against the said J. W. in particular, and all others in gene-
ral, then having or pretending to have his title or interest in the
said half part of the said hoy or smack, called the Providence of
London aforesaid, and further the said attorney general of the
said lord the now king, for the said lord the king further
gives the court here to understand and to be informed, that
afterwards to wit, on the day and year aforesaid, &c. in the
court of admiralty, in the cause aforesaid, it was in such sort
proceeded, that in the said court of the said lord the king,
before the judge aforesaid, it was decreed that the hoy or
smack aforesaid, and her tackle and apparel should be reduced
into a true, full and perfect inventory, and faithfully and justly
should be appraised and valued according to the true value of
the

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the same. And that afterwards to wit, on the day and year aforesaid, &c. a certain precept of the said lord the king, upon the decree aforesaid, under the seal of the said court, in the lawful manner * issued out of the said supreme court of admiralty, directed to one William Joynes, gentleman, then marshal of the said court, by which precept, reciting the decree aforesaid, in the said court of admiralty, given as aforesaid, the said lord the king commanded the said marshal or his deputy, that they should not omit, but the said hoy or smack, and her tackle and apparel, should reduce into a true, full and perfect inventory in writing, and by five or six good and lawful men, having better knowledge chosen by the said marshal or his deputy, faithfully and justly, according to the true values of the same, should appraise and value, or should cause to be valued and appraised, and the said appraisement subscribed with their hands, or with the hand of one of them, and with the hands of the said appraisers, to the said lord the king, or to the judge of the court of admiralty aforesaid, or to his surrogate into that court, immediately after the execution of the presents duly should transmit, which precept afterwards to wit, on the day and year, &c. at, &c. was delivered to one R. S. constituted in the due manner deputy of the said W. J. then marshal, to be executed in the due form of law, and that the said R. S. with certain W. T. and others, &c. good and lawful men, having better knowledge, and elected appraisers in that behalf, by the said R. S. did enter the said hoy or smack, being then and there upon the river Thames, within the parish and county aforesaid, to make a true and perfect inventory of the said hoy or smack, and of the tackle and apparel thereof, and to appraise and value the true value of the same, according to the effect of the decree and precept aforesaid, and that one J. C. late of the parish, &c. well-knowing the premises aforesaid, but being a pernicious and seditious man, and devising, practising and intending to disquiet, molest and disturb the peace of the said lord the now king, and the public tranquillity of this kingdom of England, and to bring and draw the said court of admiralty, and the officers and ministers of the said court into the greatest hatred, contempt and disregard with the said lord the now king, and with the faithful subjects of the said lord the now king, and to fulfil, perfect and bring to effect his most wicked and detestable devices, practices and intentions aforesaid, he the said J. C. then and there to wit, on the said day and year, &c. aforesaid, at, &c. falsely, unlawfully, unjustly, maliciously and corruptly, in the presence and hearing of divers subjects of the said lord the king, then and there present, § did say, assert, and with a loud voice, did publish and declare of the said court of admiralty, and also of the officers and ministers of the said court, and to and of the said R. S. and others, &c. being in the execution of the said

* P. 73

§ " These false, feigned, scandalous and malicious English words following,"

seem to be wanting here, and are not in

Indictments for scandalizing Magistrates, &c.

precept, as aforesaid, "*That they the said R. S. and others, &c. were rogues, robbers and pirates, and that they the said R. S. and others, &c. came to the hoy or smack aforesaid, to rob.*" And then and there the said J. C. did speak to the servants of the said J. C. then present, and did command them, "*That they should draw their knives, and should † slay these rogues;* (meaning the said R. S. and the others, &c. being in the execution of the precept aforesaid) *and that the court of admiralty was a roguish court, and a cheating court, and that all who belonged to that court were rogues and * fools,*" (meaning the judges and other officers of the court of admiralty aforesaid). To the great contempt, scandal, disparagement and infamy of the said court of admiralty, and of the officers and ministers of the said court, to the evil and pernicious example, &c. and against the peace, &c.

† The precedent is with blanks here, but the sense * P. 79. shews it was some such thing, J. C. commanded his servants,

The King against Vavasour.

Easter, the 36th Charles II.

Information for the like. *Middlesex,* } **T**HAT a certain cause was and as yet is depending in judgment, in the supreme court of the lord the king, of the admiralty of England, within the inn of the Lords Advocates, within the parish, &c. before the venerable and excellent man, the lord Richard Lloyd, kt. doctor of laws, surrogate of the honourable man, Leoline Jenkins, kni. doctor of laws, lieutenant-general and commissary in the supreme court of admiralty of England aforesaid, and of the said court judge and president lawfully constituted, on the part of J. W. and R. his wife, executrix of the last will and testament of one W. D. deceased, against one-third part of the ship, called the William and Jane, of which ship, Giles Daniel was master, and the tackle and apparel belonging to her; and against the said Giles in particular, and all others in general, pretending title or interest in the said one-third part of the said ship, and also against one R. C. for his interest in two parts of the said ship, and of the tackle and apparel belonging to the said ship, in three parts to be divided, and that in the said court, in the cause aforesaid, before the said judge, it was in such sort proceeded, that it was decreed by the said court, that the said R. C. should have the possession of the said ship delivered to him by the marshal of the said court, and that afterwards to wit, on the day and year, &c.

at,

Indictments for scandalizing Magistrates, &c.

at, &c. a certain discourse was had and moved, between one M. Vavasour, and divers other subjects of the said lord the king, of and concerning the ship aforesaid, and the decree and proceedings in the court of admiralty aforesaid, in the cause aforesaid; and that the said M. Vavasour of London, gentleman, being a person of evil conversation, and a common disturber of the peace of the said lord the king, and falsely, wickedly, unlawfully and unjustly intending, not only the said Leoline Jenkins, knt. doctor of laws, then and as yet judge of the said court of the lord the king of the admiralty of England, but also the jurisdiction and authority of the said court of the said lord the king, of the admiralty of England, especially to scandalize, and to bring into hatred and contempt among the subjects of the said lord the king, then and there in the presence and hearing of divers subjects of the said lord the now king, falsely and maliciously did say and assert, and with a loud voice did publish these false, malicious, scandalous, and opprobrious English words following, to wit, "*Let the admiralty court, and Sir Leoline Jenkins* (meaning the said court of admiralty of England, and the said Leoline Jenkins, knt. judge of the said court) *kiss my arse*, (meaning the posteriors of the said M. V.) *I* (meaning the said M. V.) *care not a turd for them*, * (meaning the said court of admiralty of England, and the said Leoline Jenkins, judge of the said court) *they* (meaning the said court of admiralty of England, and the said Leoline Jenkins, knt. judge of the said court) *have nothing to do with the ship*," (meaning the said ship William and Jane). To the great scandal and infamy of the said Leoline Jenkins, judge of the said court of admiralty aforesaid, and of the jurisdiction of the said court, in great contempt of the said lord the now king, and of his laws, to the evil example, &c.

P. 80.

The King against Forth.

Easter, 36 Charles the 2d.

Middlesex. } **T**HAT in the term of St. Michael, in the 35th year of the reign of the lord Charles the 2d, king, &c. in the court of the said lord the king, before the jury which king himself, (the said court being then held at Westminster, in the county of Middlesex) one Algernon Sidney, late of the parish of St. Martin in the fields, in the county of Middlesex, Information for reflection on the found Algernon Sidney, esquire, guilty of high-treason

Indictments for scandalizing Magistrates, &c.

esquire, for certain high-treasons touching the person of the said lord the king, in the lawful manner was indicted, and afterwards to wit, in the said term of St. Michael, in the year aforesaid, at Westminster aforesaid, in the said county of Middlesex, in the said court of the said lord the now king, the said Algernon Sidney, by a certain jury of the county, between the said lord the king and the said Algernon Sidney taken, for the high-treasons aforesaid, in the due manner was tried, and afterwards convicted and attainted as by the record and proceedings thereof in the said court more fully appears. And that Alex. Forth, late of the parish of St. Martin in the fields, in the county of Middlesex, joiner, well knowing the premises, and being a person of evil name, fame and of unquiet conversation and disposition, and devising, practising and most wickedly intending to disquiet, molest and disturb the peace and public tranquillity of this kingdom of England, and to bring and draw the trial aforesaid with the verdict thereon, for the said lord the king against the said Algernon Sidney given, and the due course of law in that behalf, had as aforesaid, into the hatred, contempt and scandal with all the liege subjects of the said lord the king, and to persuade and cause the subjects of the said lord the king to believe, that the trial aforesaid was unduly had, and that the said Algernon Sidney did undeservedly die, he the said Alexander Forth afterwards to wit, on the 29th day of November, in the 35th year, &c. aforesaid, at Westminster, in the county aforesaid, to fulfil, perfect and bring to effect his most wicked devices and intentions aforesaid, to one George Clisby, gent. upon a certain discourse of and concerning the verdict, trial and jury aforesaid, with the said G. C. had, in the presence and hearing of divers liege subjects of the said lord the now king, then and there present, falsely, unlawfully, unjustly, wickedly and seditiously of the jury aforesaid, which gave the verdict aforesaid, against the said Algernon Sidney for the high-treason aforesaid, did say, affirm, and with a loud voice did * declare as follows in these English words following to wit, "*God damn all that is like your logger-head jury, that brought in a verdict* (meaning the verdict aforesaid, against the said Algernon Sidney for the said high-treason aforesaid) *which they had no evidence for.*" And the said attorney-general of the said lord the now king, for the said lord the king gives the court here to understand and to be informed, that the said Alexander Forth afterwards to wit, on the 1st day of December, in the 35th year, &c. aforesaid, at Westminster, in the county aforesaid, of his further malice, and to fulfil, perfect and bring to effect, his most wicked devices and intentions aforesaid, upon a certain other discourse of and concerning the verdict aforesaid, given against the said Algernon Sidney, for the high-treason aforesaid, and of and concerning the jury aforesaid, with the said George Clisby then and there

Indictments for scandalizing Magistrates, &c.

there had, in the presence and hearing of divers liege subjects of the said lord the king then and there present, falsely, unlawfully, unjustly, wickedly and seditiously of the jury aforesaid, which gave the verdict aforesaid, against the said Algernon Sidney for the high-treason aforesaid, did say, utter, affirm, and with a loud voice did declare, "*That the jury which gave their verdict aforesaid, that the said Algernon Sidney was guilty of the high-treason aforesaid, against the said lord the now king, were a loggerheaded jury, and gave their verdict aforesaid, for which they had no evidence.*" In contempt of the said lord the now king, and of his laws, to the evil and pernicious example, &c. and against the peace, &c. whereupon the said attorney, &c.

The King against Hoskins:

Hilary, the 34th and 35th of Charles II.

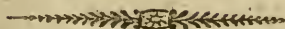
To wit. } **T**HAT Peter Hoskins, of Iverton, in the county of Dorset, aforesaid, gentleman, being a person of unquiet and turbulent spirit, not weighing the duty of his allegiance, and entirely withdrawing the cordial love, and true, due and natural obedience which every true and faithful subject of the said lord the king, towards the said lord the king, his supreme and natural lord, should and of right ought to bear; and devising and intending the most noble lord the Earl of Bristol, Thomas Strangeways, esquire, Robert Coker, esq. George Rivee, esquire, George Fulford, esquire, William Strode, esq. Edward Meller, esquire, and divers other faithful and liege subjects of the said lord the king, who lately had signed a certain address to the said lord the king, giving thanks to the said lord the king, for a certain declaration of the said lord the king, lately published by the order of his majesty, to satisfy all his subjects, of and concerning the dissolution of several parliaments by the said lord the king lately called and assembled; to scandalize and them into hatred and scandal with the subjects of the said lord the king, endeavouring to bring, on the 17th day of October, in the 33d * year, &c. with force and arms, * &c. at Wooland in the county aforesaid, then and there hav-
Information for reflecting on the Earl of Britton, and others, for addressing the king.
P. 82.
ing

Indictments for scandalizing Magistrates, &c.

ing a discourse with one Robert Coker, jun. and Benjamin Coker, gent. of and concerning several addressees to the said lord the king presented, he the said Peter Hoskins then and there in the presence of the said Robert Coker, jun. and Benjamin Coker, gent. and of other subjects of the said lord the king, then and there present, openly and publickly with a loud voice maliciously, contemptuously, scandalously, seditiously and slanderously of the said addressors did say, publish, pronounce and declare in these English words following, to wit, "*That none but fools and rogues* (meaning the addressors aforesaid) *did address.*" In great contempt of the said lord the king, to the evil example, &c. and against the peace, &c.

The defendant was found guilty, and fined one hundred marks.

Indictments for Conspiracies.



Indictments for Conspiracies.

The King against Turner and others.

Trinity, 26th of Charles the 2d.

To wit, } **T**HAT Randolph Turner of Framlingham, in the county of Suffolk, yeoman, Elizabeth Turner, wife of the said Randolph Turner, Richard Butcher, late of the parish aforesaid, in the county aforesaid, yeoman, and Francis Carlowe, late of the parish aforesaid, in the county aforesaid, being persons of evil name and fame and dishonest conversation, on the 2d day of February, in the 26th year, &c. at Framlingham, in the county aforesaid, together among themselves, unlawfully did conspire and combine, the good name, fame, credit and reputation of one George Green, without any cause to stain, destroy, deprive and defile, and falsely, maliciously, and for the sake of wicked gain, to charge the said George Green with the crime of adultery with the said Elizabeth Turner, the wife of the said Randolph Turner, and to bring and draw him the said George Green into the greatest hatred, scandal, infamy and reproach, and into the greatest confusion, trouble and anxiety of mind, and also to obtain and extort into their hands great sums of money from the said George Green, by unlawful cozening ways and means. And the said attorney-general of the said lord the king, for the said lord the king further gives the court here to understand and be informed that they the said Randolph Turner, Elizabeth Turner, Richard Butcher and Francis Carlowe, in execution of the premisses, and according to their conspiracy, combination and * agreement aforesaid, afterwards to wit, on the 2d day of February, in the 26th year, &c. and at divers other days and times, as well before as after, at Framlingham aforesaid, in the county aforesaid, and in divers other places in the said county falsely, unlawfully, maliciously, diabolically and for the sake of wicked gain, in the hearing of many of the liege subjects

Information
for conspir-
ing to charge
a person
with being
the father
of a child
born by
another
man's wife.

Indictments for Conspiracies.

of the said lord the king, worthy of belief, severally did charge and accuse the said George Green, that he the said George Green then lately before had carnal knowledge of the body of the said Elizabeth Turner, and had carnally known the said Elizabeth Turner, and that he the said George Green was the reputed father of a certain spurious child, born of the body of the said Elizabeth Turner, to the great damage, scandal, infamy and reproach of the said George Green, to the evil example, &c. and against the peace, &c.

The King *against* Crispe, and others.

Michaelmas, the 33d of Charles the 2d.

Information *London*, } **T**O be informed that John Crispe, late of Lon-
for entering } To wit. } don, esquire, John Knap, of London, wax-
into an un- } chandler, Francis Chamberlin, of London, apothecary, and
lawful con- } Thomas Sandford, of London, salter, on the 1st day of Octo-
spiracy and } ber, the 33d year, &c. and for a long time before and continu-
combinati- } ally afterwards, until the day of the exhibition of this infor-
on to en- } mation, at the parish of St. Michael, Cornhill, London, using
grofs and } and each of them using the art and mystery of a salter, and
monopolize } then and there being, and each of them being a common buy-
all the vi- } er and seller of vitriol; they the said J. C. J. K. F. C. and
triol in } T. S. then and there falsely, unlawfully, unjustly, wickedly
London. } and deceitfully did devise and conspire among themselves for
their private gain to acquire, obtain and engross into their
hands and possession all the vitriol made and manufactured, or
then afterwards to be made, for the space of divers years then
to come, by the workers and proprietors of the vitriol works
in and about the city of London, to make a monopoly thereof,
and to encrease and make at their pleasure and will the price of
such vitriol, being a commodity very necessary and requisite for
the dying of cloth, and for other necessary uses, and to fulfil,
perfect, and bring to effect their most wicked devices, practices,
conspiracies and intentions aforesaid, they the said J. C. J. K.
F. C. and T. S. afterwards to wit, on the said 1st day of Oct.
the 33d year, &c. aforesaid, at the parish of St. Michael, Corn-
hill, London, aforesaid, falsely, unlawfully, unjustly, fraudulently
and deceitfully did conspire, combine and agree, and a certain de-
ceitful, bad and unlawful bargain, contract and agreement with
the

Indictments for Conspiracies.

the possessors and proprietors of the vitriol works, in and about the city of London, and with divers other persons to the said attorney general of the said lord of the now king as yet unknown, then and there against the laws and statutes of this kingdom of England, did make, and to obstruct and impede the free and open * buying and selling among the liege subjects of the said lord the now king of all the vitriol by the said possessors and proprietors of the vitriol works aforesaid, before that time made and remaining in their hands or afterwards for the space of divers years then as yet to come, to be made, they the said J. C. J. K. F. C. and T. S. did bind in divers contracts the said proprietors and possessors of the vitriol works aforesaid, in and about the city of London aforesaid, that they the possessors and proprietors of the vitriol works aforesaid, should not sell or deliver during the time aforesaid, any vitriol to any person or persons whatsoever, except only to them the said J. C. J. K. F. C. and T. S. to the intent that they the said J. C. J. K. F. C. and T. S. afterwards might utter and sell the vitriol aforesaid at excessive and greater prices than are reasonable; and in further prosecution and execution of the wicked and unjust conspiracy and agreement aforesaid, they the said J. C. J. K. F. C. and T. S. afterwards to wit, on the said 1st day of October, in the 33d year, &c. aforesaid, and at divers other days and times as well after as before, at the parish of St. Michael, Cornhill, London, aforesaid, falsely, unlawfully and unjustly, under pretence and colour of such contract and agreement, great quantities of vitriol into their hands and possession did take, obtain and engross, and the vitriol aforesaid so by them bought, immediately after the buying thereof, then and there, at great and excessive rates and prices to wit, for 8*l.* 10*s.* 0*d.* per ton, did sell and utter, and each and every of them did sell and utter to divers other subjects of the said lord the king, who were necessarily compelled to buy from the said J. C. J. K. F. C. and T. S. that vitriol to supply their necessary uses at such excessive rate, because that they could not buy vitriol from any other person, whereas in fact such vitriol before the unlawful conspiracy aforesaid, was sold and was used to be sold at 5*l.* per ton only, and not more. And the said attorney-general of the said lord the now king, further gives the court here to understand and to be informed, that they the said J. C. J. K. F. C. and T. S. in further prosecution and execution of their unjust and unlawful conspiracy and agreement aforesaid, afterwards to wit, on the 10th day of October, in the 33d year, &c. aforesaid, at the parish of St. Michael, Cornhill, London, aforesaid, and at divers other days and times, as well before as after, with force and arms, &c. unlawfully, unjustly and under pretence and colour of the said contract and agreement, divers quantities of vitriol from divers liege subjects of the said lord the king,

P. 84.

Indictments for Conspiracies.

did cause and procure, to be taken and seized, and to be detained from the proprietors of the same, because that the said proprietors of the said vitriol had not bought or obtained the said vitriol, according to the tenor and effect of the unlawful contract and agreement aforesaid, in contempt of the said lord the now king, and of his laws, to the excessive encreasing of the rates and prices of vitriol, and to the destruction and subversion of divers trades, to the great damage, injury and oppression of all the liege subjects of the said lord the king, to the evil example, &c. against the peace, &c. whereupon the said attorney-general, &c.

* P. 85.

* *The King against Freeman.*

Hilary, 36th Charles II.

Information
for conspir-
ing falsely
to charge
one, and
for charg-
ing him
with an at-
tempt of
Buggery.

Middlesex, } **T**HAT Jane Freeman, late of, &c. and others,
To wit. } &c. being persons of evil name and fame, and
of dishonest conversation, on the day and year, &c. contriving,
devising and intending one N. M. gentleman, to deceive and
defraud of his monies, and also without any cause to stain,
destroy, deprive and defile the good name, fame, credit and
reputation of the said N. M. and the said N. M. into the great-
est hatred, scandal, infamy, reproach and dishonour to bring,
and to cause and procure to be brought; on the said day and
year, &c. at, &c. unlawfully, diabolically, wickedly and mali-
ciously among themselves did conspire and combine to accuse
and charge the said N. M. that he the said N. M. most wicked-
ly, unlawfully and diabolically, and against the order of na-
ture, had attempted and endeavoured to have a venereal affair
with the said Jane Freeman; and that the said N. M. violently
in and upon the said Jane Freeman, had made an assault with
intention with her the said Jane Freeman that detestable, hor-
rible and sodomitical crime, called buggery, among christians
not to be named, before the time aforesaid, wickedly, felon-
iously and diabolically to commit and perpetrate, and to per-
form, perfect, and make their malicious, unlawful, most wick-
ed and diabolical purpose aforesaid, more certain and undoubted
they

Indictments for Conspiracies.

they the said Jane Freeman and others, &c. aforesaid, on the day and year, &c. aforesaid, at, &c. in the county, &c. according to the conspiracy aforesaid, so as aforesaid between them had, the said N. M. then and there, with the said crime and assault, falsely, diabolically, wickedly and maliciously did charge and accuse, whereas in truth and in fact, the said N. M. was never guilty of nor did commit any such crime as aforesaid, nor any crime whatsoever of the like nature, to the great trouble of the mind, and also to the great damage, injury and expence of the said N. M. in contempt of the said lord the now king, and of his laws, to the evil example, &c.

Indictments

Indictments for Cheats, Deceits, &c.

Indictments for Cheats, Deceits, &c.

The King against Record, and others.

Easter, 27th Charles the 2d.

Information for cheating * P. 86. To wit. } **T**HAT Charles Record, late of, &c. Anne Smith, late of, &c. otherwise called Frances Markham, &c., and George Fearne, late of, &c. being persons of evil name, fame, and of * dishonest conversation, common cheats and deceivers, of the liege subjects of the said lord the king, and that the said C. R. A. S. otherwise called F. M. and G. F. conspiring, devising, practising, and falsely, unlawfully, fraudulently and deceitfully intending, the lady Dorothea Seymour, spinster, of divers sums of money, falsely, unlawfully, fraudulently and deceitfully to deceive and defraud, and to fulfil and perfect their most wicked conspiracies, devices, practices and intentions afore said, on the 20th day of January, in the 26th of the reign of the lord Charles the 2d, &c. at the parish of St. Giles in the fields, in the county of Middlesex afore said, she the said A. S. otherwise called F. M. otherwise called F. B. falsely, unlawfully, fraudulently and deceitfully did assert, affirm and pretend to the said lady D. S. that the said A. S. otherwise, &c. at that time was a maid and unmarried. And that the said A. S. otherwise, &c. then and there by the name of A. S. spinster, into the service of the lady D. S. and into the house of the said lady D. S. situate in the parish of St. Giles in the fields, in the county of Middlesex, was admitted as the servant of the said D. S. and that the said A. S. otherwise called, &c. afterwards to wit, on the said 20th day of January, in the 26th year, &c. afore said, at the parish afore said, in the county afore said, falsely, unlawfully, fraudulently and deceitfully did pretend, assert and affirm to the said lady D. S. that the said C. R. was the cousin of her the said A. S. otherwise called, &c. and that he the said C. R. then had an estate in reversion, to the value of one thousand five hundred pounds per annum; and that the

Indictments for Cheats, Deceits, &c.

the said A. S. otherwise called, &c. afterwards to wit, on the said 20th day of January, in the 26th year, &c. aforesaid, at the parish of St. Giles in the fields, in the county of Middlesex aforesaid, her the said lady D. S. did greatly persuade and solicit to receive the said C. R. into the service and house of the said lady D. S. upon which solicitations and persuasions of the said A. S. otherwise called, &c. the said C. R. into the service and house of the said lady D. S. was received and admitted, and that the said C. R. A. S. otherwise called, &c. and G. F. afterwards to wit, on the said 20th day of January, 26th year, &c. aforesaid, at the parish of St. Giles in the fields, in the county of Middlesex aforesaid, to fulfil and perfect their most wicked conspiracies, devices, practices and intentions, then and there falsely, unlawfully, fraudulently and deceitfully to the said lady D. S. did affirm and pretend, and each and every of them to the said lady D. S. did affirm and pretend, that the said C. R. for one thousand pounds, by the said C. R. then afterwards to be paid, could buy and acquire the place and office of a colonel in the service of the states of Holland, of the value of eight hundred pounds by the year, and that the said C. R. then and there immediately could buy and acquire the said place and office of a colonel, from one ——— Wayne, and that the said C. R. and the said A. S. otherwise called, &c. then and there falsely, unlawfully, fraudulently and * deceitfully did pretend, * P. 87. affirm and assert to the said lady D. S. that if she the said lady D. S. would pay and deposit the sum of one thousand pounds for the buying and acquiring the office and place of a colonel aforesaid, for the natural life of the said C. R. she the said lady D. S. should receive the sum of two hundred pounds by the year, during the natural life of the said C. R. and if the said C. R. in the office and place aforesaid, should die or be removed, that then she the said lady D. S. should have one hundred and sixty pound by the year, to her the said lady D. S. for the space of five years, after the death or removal of the said C. R. and further the said C. R. A. S. otherwise called, &c. and G. F. in further prosecution of their wicked conspiracies, deceits, devices, practices and intentions aforesaid, afterwards to wit, on the said 20th day of January, in the 26th year, &c. aforesaid, at the parish aforesaid, in the county aforesaid, falsely, unlawfully, fraudulently and deceitfully did pretend, affirm and assert, and each and every of them falsely, unlawfully, fraudulently and deceitfully did pretend, affirm and assert to the said lady D. S. that at that time there was a pleasant house, and fit for the habitation of the said C. R. nigh to the Hague in Holland, with orchard and garden, &c. to the value of five hundred pounds by the year, and that the said C. R. could have the said house, orchard and garden aforesaid, for eight hundred pounds, and the said C. R. A. S. otherwise called, &c.

Indictments for Cheats, Deceits, &c.

&c. and G. F. afterwards to wit, on the said 20th day of January, in the 26th year, &c. aforesaid, at the parish aforesaid, in the county aforesaid, to fulfil and perfect their most wicked conspiracies, contrivances, practices and intentions, then and there falsely, unlawfully, fraudulently and deceitfully the said lady D. S. did persuade and incite to pay and deposit into the hands of the said C. R. the sum of four hundred pounds, towards the buying and acquiring of the house, orchard and garden aforesaid, (they the said C. R. A. S. otherwise called, &c. and G. F. then and there falsely, unlawfully, fraudulently and deceitfully pretending and affirming to the said lady D. S. that she the said lady D. S. should have the said house, orchard and garden aforesaid, in mortgage to her the said lady D. S. as a security for the said sum of four hundred pounds). And the said coroner and attorney of the said lord the now king, for the said lord the king further saith, that the said C. R. A. S. otherwise called, &c. and G. F. afterwards to wit, on the said 20th day of January, 26th year, &c. aforesaid, at the parish of St. Giles in the fields aforesaid, in the county of Middlesex aforesaid, by their most wicked conspiracies, practices and persuasions aforesaid, among them had as aforesaid, falsely, unlawfully, fraudulently and deceitfully the sum of three hundred pounds, and another sum of forty pounds, and another sum of five hundred pounds, from her the said lady D. S. did receive and have and to the proper use of them, the said C. R. A. S. otherwise called, &c. and G. F. did convert and dispose, to the great deception, defrauding and impoverishment of the said lady D. S. to the evil example, &c. and against the peace, &c. whereupon the said coroner and attorney, &c.

* P. 88.

* *The King against Norton and others.*

Information
for a notori-
ous cheat,
in first
cheating a
parson of
divers sums,
under false
pretences,
and after-
ward at-
tempting to
poison him,

To wit.

THAT one Lucas Norton, late of the parish of St. Martin in the Fields, in the county of Middlesex, gent. otherwise called Lucas Norton of White-hall, in the county of Middlesex, aforesaid, esq; Bridget Gaunt, of the parish of St. Clement Danes, in the county of Middlesex aforesaid, widow, William Bromley, late of the same, yeoman, and Henry Lewis, late of the same, yeoman; on the 1st day of February, in the twenty-seventh year of the reign of the lord Charles the 2d, the now king of England, &c.

were,

Indictments for Cheats, Deceits, &c.

were, and for divers years now last past, have been persons of evil name and fame, and of dishonest conversation, common cheats and deceivers of the liege subjects of the said lord the now king, and that the said L. N. B. G. W. B. and H. L. conspiring, devising, and practising, and falsely, unlawfully, fraudulently, and deceitfully intending one Richard Biggs, gent. of divers sums of money falsely, unlawfully, fraudulently and deceitfully to deceive and defraud, and to fulfil and perfect their most wicked devices, practices and intentions aforesaid, afterwards, to wit, on the said 1st day of February, in the twenty-seventh year, &c. aforesaid, at the parish of St. Martin in the Fields, county of Middlesex aforesaid, the said B. G. fraudulently and deceitfully did assert, affirm, and pretend to the said R. B. that if the said R. B. did want any office or place, that he the said R. B. should repair to the said L. N. and that the said B. G. then and there falsely, unlawfully, fraudulently, and deceitfully further did pretend and affirm that the said L. N. was a man of reputation, and that the said B. G. afterwards, to wit, on the 1st day of February, in the twenty-seventh year, &c. aforesaid, at the parish of St. Martin in the Fields, in the county of Middlesex aforesaid, unlawfully, fraudulently and deceitfully did persuade the said R. B. to go to the said L. N. upon which persuasion the said R. B. afterwards, to wit, on the 1st day, &c. in the twenty-seventh year, &c. aforesaid, at, &c. in, &c. did go to the said L. N. and that to fulfil and perfect their most wicked conspiracies, intentions, devices and practices aforesaid, the said L. N. afterwards, to wit, on the said 1st day, &c. the twenty-seventh year, &c. aforesaid, at, &c. in, &c. falsely, unlawfully, fraudulently and deceitfully, did pretend, assert, and affirm to the said R. B. that he the said L. N. would find for the said R. B. some benefice or parsonage of great value, and then and there unlawfully, fraudulently and deceitfully did solicit and persuade the said R. B. to take upon himself Holy Orders, by which solicitations and persuasions of the said L. N. the said R. B. afterwards, to wit, on the said 1st day, &c. in the twenty-seventh year, &c. at, &c. in, &c. did take upon himself Holy Orders, and * into the order of a Deacon was instituted and admitted; and the said coroner and attorney of the said lord the king, for the said lord the king further saith, and to the court here shews, that the said L. N. B. G. W. B. and H. L. to fulfil and perfect their most wicked devices, conspiracies, intentions and practices aforesaid, afterwards, to wit, on the said 1st day, &c. in the twenty-seventh year, &c. at, &c. in, &c. to the said R. B. did affirm and pretend, and each and every of them to the said R. B. did affirm and pretend, that a certain benefice or parsonage in the county of Northampton, of the yearly value of four hundred and forty four pounds was vacant, and that the benefice was in the gift of the lord the king, and that the

* P. 89.

said L. N. then and there falsely, unlawfully, fraudulently and deceitfully to the said R. B. did affirm and pretend, that the said lord the now king had given and relinquished the disposition of the benefice aforesaid to the lord Arlington (meaning Henry lord Arlington) and that the said lord Arlington had relinquished the disposition of that benefice to the said L. N. and that the said L. N. then and there falsely, unlawfully, fraudulently and deceitfully, did pretend and assert, to the said R. B. that if the said R. B. would pay to the said L. N. the sum of six hundred pounds for his labour and expences in and about the acquiring the benefice aforesaid, and for the discharging of a certain sequestration before that time laid upon the benefice aforesaid, and in and about the obtaining and perfecting of letters patent of the said lord the now king, for the benefice aforesaid, he the said L. N. the said letters patent of the said lord the now king, sealed under the great seal of England, to enjoy the said benefice or parsonage, in the said county of Northampton, of the yearly value of four hundred and forty four pounds, to the said R. B. on a certain day then to come would obtain, procure and deliver, and that in further prosecution of their most wicked conspiracies, contrivances, practices and intentions aforesaid, the said L. N. afterwards, to wit, on the said 1st day of, &c. in the 27th year, &c. at, &c. in, &c. aforesaid, falsely, unlawfully, deceitfully, and fraudulently did assert, affirm and pretend to the said R. B. that there was one Elizabeth Sands (a maiden, unmarried) in the wardship of her guardian, one Mr. Turner, which Elizabeth Sands was the cousin of the said L. N. and that the said Elizabeth Sands had the sum of six thousand pounds in money, and also an estate real in lands to the value of 200*l.* by the year, and that if the said R. B. would pay and lay down the sum of 600*l.* to the said L. N. and also the sum of one thousand pieces of gold called guineas, to the wife of the said Mr. T. the said R. B. should have the said Elizabeth Sands in marriage, and the said L. N. B. G. W. B. and H. L. in further prosecution of their most wicked conspiracies, deceits, devices, and intentions aforesaid, afterwards, to wit, on the said 1st day of, &c. in the 27th year, &c. in, &c. at, &c. falsely, unlawfully, fraudulently and deceitfully did pretend, affirm and assert, and each and every of them then and there did pretend, affirm and assert, that one Charles Moley had informed one of the chaplains of the Archbishop of * Canterbury, of the purchasing of the said benefice or parsonage, in the county of Northampton, and that the Archbishop of Canterbury had issued process against the said R. B. for simony, and that a certain fine of 200*l.* was laid upon the said R. B. for the simony aforesaid, by the said lord the now king; and that the said R. B. could not secure and preserve harmless his estate, and also the profits of the benefice or parsonage aforesaid, from the fine aforesaid, unless the said

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said R. B. would deposit, trust, and conceal his estate in the hands of the said L. N. and that the said L. N. afterwards, to wit, on the 1st day, &c. in the 27th year, &c. in, &c. aforesaid, did persuade and solicit the said R. B. to deposit and trust his estate and monies into the hands of the said L. N. upon which solicitations and persuasions of the said L. N. the said R. B. then and there did deposit and trust his estate and monies to the value of 1800*l.* in the hands of the said L. N. (the said L. N. then and there falsely, unlawfully and deceitfully affirming to the said R. B. that he the said L. N. would secure the estate and monies aforesaid, for the said R. B.) And the Coroner and Attorney of the said lord the king, for the said lord the king further saith, that the said L. N. B. G. W. B. and H. L. afterwards, to wit, on the said 1st day, &c. in the 27th year, &c. at, &c. in, &c. aforesaid, by their most wicked conspiracies, devices, practices and persuasions aforesaid, among them had as aforesaid, unlawfully, fraudulently, unjustly and deceitfully, the sum of 600*l.* and another sum of 500*l.* and another sum, to wit, the sum of 1200*l.* from the said R. B. did receive and have, and to their proper use did convert and dispose, and each and every of them did convert and dispose, and also one writing obligatory under the hand and seal of the said R. B. of the penalty of 1200*l.* conditioned for the payment of 600*l.* and the said L. N. and others, &c. by their practices, conspiracies and persuasions aforesaid, falsely, unlawfully, unjustly, fraudulently and deceitfully then and there, the said several sums from him the said R. B. did receive, have and enjoy; and in further prosecution of their intentions, practices, devices and conspiracies aforesaid, he the said L. N. diabolically intending the death of the said R. B. afterwards, to wit, on the said 1st day, &c. in the 37th year of, &c. at the parish of St. Martin in the Fields aforesaid, in the said county of Middlesex, wilfully and of his malice aforethought, a certain poison called arsenick into a certain drink then and there prepared for the drinking of him the said R. B. then and there privately did put and mingle, and then and there did persuade the said R. B. to take and drink the said drink, by reason of which persuasion, the said R. B. afterwards, to wit, on the said 1st day of, &c. in the 27th year, &c. at the parish of St. Clement Danes, in the county of Middlesex aforesaid, the drink aforesaid, with the poison aforesaid, mixed as aforesaid, not knowing or suspecting that the said drink was mixed with poison, did take and drink, whereupon the said R. B. immediately after the taking of the poison aforesaid, did languish and remain in danger of his *life, for the space of three months then next following, to the great damage of the said R. B. to the evil example, &c. and against the peace, &c. &c.

* P. 91.

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The King *against* Wilcox.

Information for cheating a person of goods, under pretence of buying them. *London,* } **T**HAT Stephen Wilcox, late of London, yeoman, Hugh Bookey, of, &c. Susannah Bookey, of London, spinster, otherwise called Susannah Bookey, of the wife of the said Hugh Bookey, and Joseph Harrison, late of London, yeoman, being persons of dishonest conversation, and not intending to obtain their living by honest labour, according to the laws of this kingdom of England, but compassing and daily devising how by unlawful means they might obtain and acquire into their hands and possession the goods and chattels of the honest liege subjects of the said lord the king, for the maintenance of their unthrifty course of living, on the 23d day of July, in the 31st year of the reign of the lord Charles the 2d, the now king, &c. with force and arms, &c. at London, to wit, in the parish of All-Saints, Lombard-street, in the ward of Bishopsgate, London aforesaid, they the said Stephen Wilcox, by the name of Thomas Brown, Hugh Bookey, and Susannah Bookey, under colour and pretence of buying from one John Dutton of Stoke-Nayland, in the county of Suffolk, stay-maker, 650 yards of cloth, called stuff, of the value of fifteen pounds, sixteen shillings, of the goods and chattels of the said J. D. the said 650 yards of cloth, called stuff, out of the hands and custody of the said J. D. into the hands and possession of them the said S. W. by the name of T. B. H. B. and S. B. then and there falsely, unlawfully, fraudulently and deceitfully did obtain and acquire, and the said J. D. of the said 650 yards of cloth, called stuff, then and there falsely, unlawfully, fraudulently and deceitfully did deceive and defraud, to the great damage and manifest deceit of the said J. D. In contempt of the said lord the king, and of his laws, to the evil example, &c. and against the peace, &c.

The King *against* Arnope.

Michaelmas, the 36th Charles 2d. Roll 17.

— } **G**IVES the court here to understand and to be informed, that John Arnope, late of the parish of St. Martin in the fields, in the county of Middlesex, gent. Nathaniel Oldfield, late of the parish aforesaid, in the county aforesaid, gent. George Ward, late of the parish aforesaid, in the county aforesaid, gent. and William Oldfield, late of the parish aforesaid, in the county aforesaid, gentleman, being persons * of dishonest conversation, and common gamesters, with false dice and cards, and false play, and persons of evil name and fame, and dishonest conversation, and common cheats and deceivers of the liege subjects of the said lord the king, to maintain their unthrifty course of living, on the 1st day of February, in the 35th year of the reign of the lord Charles the 2d. king, &c at the parish of St. Martin in the fields, in the county of Middlesex, and devising, practising and falsely and fraudulently and deceitfully intending, one Arthur Squibb with cards and false play, craftily, subtilly, falsely, unlawfully, unjustly, fraudulently and deceitfully to deceive and defraud, and divers sums of money from the said Arthur Squibb, with the cards aforesaid, and false play, craftily and subtilly; falsely, fraudulently and deceitfully to acquire and obtain, the said A. S. then and there to play at cards with the said J. A. N. O. G. W. and W. O. at a certain unlawful game, called whist, for divers sums of money, then and there falsely, unlawfully, unjustly, fraudulently and deceitfully did solicit, stir up, provoke and procure, by which solicitations, stirrings up, provocations and procurements of the said J. A. N. O. G. W. and W. O. he the said A. S. then and there with the said J. A. N. O. G. W. and W. O. at the said unlawful game, called whist, did play for divers sums of money, and that the said J. A. N. O. G. W. and W. O. at the said unlawful game, called whist, then and there with false cards, and false play, the sum of eighty pounds, of the lawful money of England, of the monies of the said A. S. from the said A. S. then and there, with force and arms, subtilly, falsely, unlawfully, unjustly, fraudulently and deceitfully into the hands and possession of them the said J. A. N. O. G. W. and W. O. did acquire, have, obtain and carry away; and the said coroner and attorney of the said lord

Information
for a cheat
with false
cards, at the
game of
whist, and
with false
dice, at the
game called
passage

* P. 92.

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lord the king, for the said lord the king gives the court here to understand and to be informed, that the said J. A. N. O. G. W. and W. O. afterwards to wit, on the said 1st day of February, in the 35th year, &c. at the parish aforesaid, in the county aforesaid, to fulfil, perfect and bring to effect their most wicked practices, devices and intentions aforesaid subtilly, falsely, unlawfully, unjustly, fraudulently and deceitfully, the said A. S. then and there, to play at dice with the said J. A. N. O. G. W. and W. O. at a certain unlawful game, called "*Passage*," for divers sums of money, falsely, subtilly, unlawfully, fraudulently and deceitfully did solicit, stir up, provoke and procure, by which solicitations, stirrings up, provocations and procurements of them the said J. A. N. O. G. W. and W. S. he the said A. S. then and there at the said unlawful game, called "*Passage*," with the said J. A. N. O. G. W. and W. O. for divers sums of money did play, and that the said J. A. N. O. G. W. and W. O. at the said unlawful game called *Passage* with the said A. S. did play, and that the said J. A. N. O. G. W. and W. O. then and there, with false dice, and by unlawful flurring or throwing of the dice aforesaid, and with other false play, the sum of eighty pounds of the lawful money of England, of the monies of the said A. S. from the said A. S. then and * there, falsely, subtilly, unlawfully, fraudulently and deceitfully, into the hands and possession of them the said J. A. N. O. G. W. and W. O. did acquire, have and obtain, and each and every of them did have and obtain, to the manifest deceit, damage, impoverishment and ruin of the said A. S. to the evil example of all others, &c. against the peace, &c. Whereupon the said coroner, &c.

* P. 93.

The King against Betsworth, and others.

Michaelmas, the 2d of James the 2d.

Information for the like, with false dice, at the game of hazard. To wit. } **T**HAT Arthur Betsworth, of, &c. and J. C. of, &c. being common gamesters, with cards, false dice, and false play, and persons of evil name and fame, and dishonest conversation, and common cheats and deceivers of the liege subjects of the said lord the king, of their goods, chattels, and monies, to maintain their wicked course of living, on the day and year, &c. and divers other days and times then before, at, &c. devising and fraudulently intending one Jasper Mottershead,

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Motterhead, with false dice, and false play, unlawfully, falsely and subtilly to deceive and defraud, and divers sums of money of him the said J. M. with false dice and false play, unlawfully, craftily and deceitfully to acquire and obtain, him the said J. M. then and at divers other days and times then before, there in the parish aforesaid, to play at dice with the said A. B. and J. C. at a certain game called hazard, and at the divers other games, for divers sums of money, then and there, and at divers other days and times aforesaid, falsely, unlawfully and deceitfully did solicit, stir up, provoke and procure, by which solicitations, stirrings up, provocations and procurements of the said A. B. and J. C. he the said J. M. then and there, and at divers other days and times then before, there in the parish aforesaid, &c. at the said game, and at divers other games, with the said A. B. and J. C. for divers sums of money of the said J. M. did play, and that they the said A. B. and J. C. at the play aforesaid, called hazard, and at divers other games at dice, with the said J. M. then and at the divers other days and times aforesaid, with false dice and false play, the sum of two hundred and fifty pounds in money numbered, of the monies of the said J. M. from the said J. M. then and there, and at divers other days and times, subtilly, fraudulently, falsely and deceitfully into the hands and possession of the said A. B. and J. C. did acquire and obtain, and the said J. M. of the said sum of money, then and there falsely, unlawfully and fraudulently did deceive and defraud; to the manifest deceit, impoverishment, and great damage of the said J. M. in great contempt, &c. to the evil example, &c. and against the peace, &c.

* The King *against* Taydler, and others.

* P. 94.

To wit. } **T**HAT John Taydler, of the parish of Mabe, Information
in the county of Cornwall, gent. Thomas Taydler, of the same, gent. Avis Taydler, wife of T. T. of
Taydler, of the same, gent. Avis Taydler, wife of T. T. of by drawing
the same, gent. Guideon Traymane, of the same, yeoman, a convey-
Robert Pellow, of the same, yeoman, being persons of evil, ance to
name and fame, and dishonest conversation, and common fre- their selves,
quenters of unlawful conventicles, and devising, practising, of some
and falsely, unlawfully and deceitfully intending one Gertrude leasehold
Crowgy, widow, and Gertrude Crowgy, her daughter, to de- estates, of
ceive and defraud of certain tenements of the clear yearly two women
value of seventy pounds, lying in Mabe and Constanton, in suading
the execute it,

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pretending the county aforesaid, whereof they the said G. C. and G. C. it was only as executrixes of the last will and testament of one Richard in trust for Crowgy, were possessed for several terms of years, as yet to women, and afterwards come, and unexpired, and to fulfil and perfect their most wicked claiming and possessed contrivances, practices and intentions aforesaid, they the said J. T. A. T. T. T. G. T. and R. P. on the 21st day of sing the December, in the 33d year of the reign of our lord Charles the 2d, king, &c. at M. aforesaid, in the county aforesaid, the estates to the defendants own, falsely, fraudulently, unlawfully, subtilly and deceitfully, and proper uses. without the knowledge or consent of them the said G. C. widow, and G. C. her daughter, did make and procure a certain writing to be drawn, written and prepared, the tenor of which is in the form which follows, to wit, "*This indenture made the 21st day of December, anno Domini 1681, in the 33d year of the reign of our sovereign lord Charles the 2d, by the grace of God, king of England, Scotland, France and Ireland, defender of the faith, &c. Between Gertrude Crowgy, of the parish of Mabe, in the county aforesaid, widow, of the one part, and John Taydler, of the parish of Mabe, gent. and Thomas Taydler, of the parish of Mabe aforesaid, of the other party, Witnesseth, that the said G. C. for the consideration of the natural love and affection which she hath and doth bear unto the said John Taydler, and T. T. hath given, granted and assigned, set over and confirmed, and by these presents doth give, grant, assign, set over and confirm, unto the said J. T. and T. T. all that her moiety and Halfendale of all those her messuages, lands and tenements, with the appurtenances, called Chinoweth and Tronweth, within the parish of Mabe aforesaid, Tregliff with Wartha, in the parish of Constanton, in the said county, together with all the right, estate, title, claim and demand of her the said G. C. of, in or to the same or any part thereof, (except as in the several leases is excepted) to have and to hold all and singular, the said assigned premisses, with the appurtenances (except before excepted) unto the said J. T. and T. T. their executors, administrators and assigns, for and during all the residue of the said term or number of years yet to come and unexpired, of and in the several and respective leases aforesaid; they the said J. T. and T. yielding and paying unto the landlord and landlords of the several and respective premisses, * the rent, duties and services from henceforth, due and payable for the same; and the said G. C. doth for herself, her heirs, executors and administrators, and for every of them, covenant, grant and promise to and with the said J. T. and T. T. their executors, administrators and assigns, and to and with every of them, that they the said J. T. and T. T. their executors, administrators and assigns, shall and may quietly and peaceably have, hold, occupy and enjoy all and singular, the said premisses, (except before excepted) in manner and form aforesaid, and during the several terms aforesaid, and that without the lawful let, trouble, charge or incumbrance of her the said G. C. her executors, administrators or assigns, or any or either of them. In wit-*

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ness whereof, the parties aforesaid, to these presents interchangeably their hands and seals have put, the day and the year first above written.

And that afterwards to wit, on the said 21 day of December, in the 33d year, &c. aforesaid, at C. aforesaid, in the co. aforesaid, where the said G. C. widow, at that time lay languishing at the point of death, they the said J. T. A. T. T. T. G. T. and R. P. falsely did affirm, and fraudulently, unlawfully, subtilly and deceitfully did declare, alledge and pretend to the said G. C. widow, and G. C. her daughter, (being then and there women) that the writing aforesaid, was written only in trust, to preserve the tenements aforesaid, for the use and benefit of the said G. C. the daughter, and with that intention were then necessary to be made and sealed, and thereupon they the said J. T. A. T. T. T. G. T. and R. P. then and there, by such false, feigned, subtil and deceitful pretences, assertions, persuasions and affirmations, falsely, fraudulently, unlawfully, subtilly and deceitfully did incite and persuade the said G. C. widow, to seal and deliver the said false, feigned and deceitful writing above-mentioned and recited, and that thereupon the said G. C. widow, being as aforesaid, languishing and sick, and not able to dispose of her estate, and not knowing or suspecting fraud, covin or deceit in the premises, but giving credit to and seduced by the false allegations, informations and persuasions of them the said J. T. A. T. T. T. G. T. and R. P. she the said G. C. then and there the said false and deceitful writing, so as aforesaid, falsely, subtilly and deceitfully caused and procured to be written and prepared in the place of a writing, in trust to preserve the tenements aforesaid, for the use and benefit of the said G. C. the daughter, by the procurement of them the said J. T. A. T. T. T. G. T. and R. P. did seal and deliver as her deed, (she the said G. C. widow, then lying languishing at the point of death, and not fit to dispose of her estate) and thereupon they the said J. T. A. T. T. T. G. T. and R. P. then and there, the writing aforesaid, so as aforesaid, falsely, fraudulently and deceitfully, by the deceitful ways and means aforesaid, and under the pretence of securing the estate aforesaid, for the said G. C. the daughter, from the said G. C. widow, falsely, unlawfully, fraudulently and deceitfully had and obtained, as a true writing made upon good consideration, to the said J. T. and T. T. by the said G. C. widow, for the proper use and benefit of the said J. T. and T. T. and not in trust for the said G. C. the daughter, then and there, falsely, fraudulently, unlawfully, subtilly and deceitfully did publish, and each and every of them did * publish; and the said J. T. and T. T. by the practice, fraud and covin then and there had between them, and the said A. T. G. T. and R. P. did claim the tenements aforesaid, by colour of the said false and deceitful writing, to the proper use of the said J. T. and T. T. and then into the tenements aforesaid did enter, and the issues and profits

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thereof, continually from thence hitherto, have and received and had and to the proper use of them the said J.T. and T.T. have converted and disposed to the great deceit, damage and impoverishment of the said G. C. widow, and G. C. her daughter, to the evil example, &c. and against the peace, &c. whereupon the said attorney-general of the said lord the now king, &c.

The King against Baker:

information for fraudulently getting into his hands his own bond for 100l. to one Howland, and obliterating part thereof

To wit, } **T**HAT Thomas Baker, of Streatham, in the county of Surry, clerk, on the 9th day of May, in the 36th year of the reign of the late king of England, &c. at S. aforesaid, in the county aforesaid, by his writing obligatory, bearing date the 8th day of May, in the year of our Lord 1682, and in the 34th year of the reign of said late lord the king, lawfully signed and sealed, under the hand and seal of the said T. B. did bind himself to John Howland, of S. aforesaid, esquire, in two hundred pounds, of the good and lawful money of England, to be paid to the said John Howland, or his certain attorney, or his executors, administrators and assigns, to which payment well and faithfully to be made, he the said T. B. did bind himself, his heirs, executors and administrators firmly by the presents aforesaid; and the said coroner and attorney of the said lord the king, for the said lord the king further gives the court here to understand and to be informed, that the said T. B. afterwards to wit, on the said 9th day of May, in the 36th year, &c. aforesaid, well-knowing the premises aforesaid, at S. in the county of Surry, contriving and intending him the said I. H. in that behalf, to deceive and defraud, and the writing obligatory aforesaid, to cause to be of no force and effect, falsely, unlawfully, subtly and deceitfully the writing obligatory aforesaid, into the hands and possession of the said T. B. with force and arms did obtain, and then and there with force and arms, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully, without the permission and against the will of the said I. H. the writing obligatory aforesaid, greatly did obliterate; and then and there, with force and arms, falsely, unlawfully, unjustly, craftily, subtly, fraudulently and deceitfully, these words following to wit, "*My heirs, executors and administrators,*" from the writing obligatory aforesaid, did put out, blot out and obliterate to the great deception, prejudice and injury of the said I. H. to the evil and pernicious example, &c. and against the peace, &c. whereupon the said coroner and attorney of the said lord the now king, &c.

The

* The King against Allibone.

* P. 97.

Michaelmas, the 1st of James the 2d. Roll. 82.

Middlesex, } **T**HAT Henry Allibone, of London, yeoman, Information for a cheat, in persuading one Hilliard to marry a woman much in debt, and obtaining from him divers bonds for the payment of money to the defendant and others.
 To wit. } and others, being, and each and every of them being persons of evil name and fame, and of dishonest conversation, and common deceivers of the liege subjects of the said lord the now king, and that the said Henry Allibone, and others, &c. on the 11th day of July, in the 1st year of the reign of our lord James the 2d, king, &c. unlawfully, maliciously and deceitfully did devise and conspire, and each and every of them did devise and conspire, one Thomas Hilliard greatly to deceive, and the said T. H. to marry with one Bridget Thicknesse, a widow, poor and indigent, and also divers penal obligations for the payment of divers sums of money to the said H. A. and others, falsely and unjustly from the said T. H. to procure and to fulfil and perfect their said several most wicked conspiracies and devices aforesaid, they the said H. A. and others, (on the said day and year, &c.) at the parish aforesaid, in the county aforesaid, falsely, unlawfully, fraudulently and deceitfully did say and affirm to the said T. H. and each and every of them did say and affirm to the said T. H. that the said B. T. was a person of great fortune, to the value of one thousand pounds in money numbered, and that the said B. T. was seized in fee-simple, of and in lands and tenements to the yearly value of 200*l*. above and besides divers diamonds and silver vessels of great value, which the said B. then had, and the said H. A. and others, then and there, unjustly and deceitfully did solicit and persuade, and each and every of them did solicit and persuade the said T. H. to make his application to the said B. T. in order to conclude a marriage, and the said H. A. the sooner to bring to effect and perfect their devices aforesaid, he the said H. A. then and there appointed the said T. to meet him the said H. at the mansion-house of one E. B. (being in the parish aforesaid, and in the county aforesaid) to have then and there an interview with the said B. T. in which place the said T. H. on the said day and year, &c. met the said H. A. and the said H. A. and others, in further prosecution of their conspiracies and devices aforesaid, then and there took upon themselves, to instruct and direct the said T. H. by what means he the said T. H. should apply

Indicaments for Cheats, Deceits, &c.

himself to the said B. T. and might obtain her consent to marriage, and immediately the said T. H. then and there was introduced into the company of the said B. T. whereupon the said T. giving credit to the false assertions and affirmations aforesaid, of the said H. A. and others, and by their unlawful and deceitful solicitations, was persuaded then and there immediately to marry and take to wife the said B. T. and thereupon the said H. A. and others, &c. immediately then and there most wickedly and deceitfully did solicit, persuade and procure and each and every of them did solicit, persuade and procure the said T. H. for and in consideration of the premisses, to seal and deliver a certain penal * obligation of one hundred pounds, for the payment of 50l. to the said H. A. which H. A. never before that time to the said T. H. was seen or known; and to seal and deliver a certain other obligation penal of the like sum of 100l. for the payment of 50l. to the said I. B. the husband of the said E. B. and also to seal and deliver one other penal obligation of 60l. for the payment of 30l. to the said H. A. which several obligations so as aforesaid made, were made, had and procured, for the cause aforesaid, and by false and unlawful ways and means, and not for any debt due to the said H. A. and others, or to any of them, &c. and the said coroner and attorney of the said lord the king, for the said lord the king further gives the court here to understand and to be informed, that the said B. T. at the time aforesaid, was a poor and very indigent person, and had not any lands or tenements, or other wealth, as the said H. A. and others, &c. severally did affirm as aforesaid, but she the said B. T. was indebted to divers persons, in divers great sums of money, which said devices, conspiracies, deceits, solicitations and procurements aforesaid, of the said H. A. and others, are to the great damage, grief, impoverishment and final ruin of him the said T. B. to the evil example, &c. and against the peace, &c. whereupon, &c.

The King against Hunt, and others.

Information for persuading a young man of an estate, and forcing him by threat-
 To wit, } **T**HAT Raphael Hunt, an infant of the age of 13 years, son and heir of John Hunt, of, &c. was seized, and as yet is seized of divers lands, tenements and hereditaments, situate, lying and being in the several parishes of &c. to the value of 150l. by the year and more, and that the said

Indicements for Cheats, Deceits, &c.

said R. H. on the said day and year, &c. had and was possessed of divers goods and chattels, and sums of money to the value of 220l. and more, and that John Hunt, of, &c. and others, on the said day and year, &c. at, &c. in the county aforesaid, well-knowing the premisses aforesaid, but contriving, practising, devising, and among themselves conspiring and intending the said R. H. in the peaceable possession and enjoyment of his estate, to disturb, and to obstruct him the said R. H. in obtaining a proper marriage for himself, or a suitable sum of money in marriage, and to fulfil and perfect their most wicked contrivances, practices, conspiracies and intentions aforesaid, afterwards to wit, on the said day and year aforesaid, and at divers other days and times as well after as before, at, &c. in the county, &c. they the said J. H. and others, &c. falsely, unjustly, unlawfully, fraudulently and deceitfully among themselves, did conspire, contrive and agree to propose and procure a marriage between the said R. H. an infant, and one E. H. at that time being unmarried, and to fulfil and perfect their most wicked contrivances, practices, intentions and conspiracies aforesaid, they the said J. H. and others, on the said day and year, &c. and at divers other days and times, as well before as after, at, &c. in prosecution of their false and * deceitful conspiracies, * P. 99. contrivances and agreements aforesaid, and falsely, unlawfully fraudulently and deceitfully to induce the said E. H. to take the said R. H. to her husband, afterwards to wit, on the said day and year, &c. at, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully did affirm and insinuate, and each and every of did affirm and insinuate to the said E. H. that the said R. H. then had a great estate in lands to the value of 200l. by the year and more, and also a great personal estate in goods, chattels and sums of money, and to fulfil and perfect their most wicked contrivances, practices, conspiracies and intentions aforesaid, they threatened, and each and every of them threatened the said E. H. the daughter of the said J. H. then and there to punish, chastise and transport, if she the E. H. would deny to take the said R. H. to her husband, and that the said J. H. and others, to fulfil and perfect their most wicked contrivances, practices, conspiracies and intentions aforesaid, and to procure the said R. H. to marry the said E. H. the daughter of the said J. H. and to induce the said R. H. to take the said E. H. to his wife, afterwards to wit, on the said day and year, &c. at, &c. in the county, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully to the said R. H. an infant, did affirm and insinuate, and each and every of them did affirm and insinuate, that the said E. H. the daughter of the said J. H. would have a great portion to the value of 600l. and more, if he the said R. H. would take the said E. H. to his wife, and if he the said R. H. to marry with the said E. H. the daughter of the said J. H. then and there would refuse and deny,

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deny, then that he the said R. H. into dark places to the friends and relations of the said R. H. entirely unknown, then immediately should be sent and kept, and the said coroner, &c. further gives, &c. that the said J. H. and others, to fulfil and perfect their unlawful, wicked contrivances, practices and intentions aforesaid, afterwards to wit, on the said day and year, &c. at, &c. falsely, unlawfully, fraudulently and deceitfully did cause and procure the said R. H. and E. H. to be joined in matrimony, and to be married together, and each and every of them, then and there did cause and procure the said R. H. and the said E. H. falsely, unlawfully, unjustly, fraudulently and deceitfully to be joined in matrimony, and to be married together, to the great displeasure of almighty God, in contempt, &c. to the great damage, prejudice, ruin, disparagement and impoverishment of the said R. H. to the final sorrow and grief of the friends and relations of the said R. H. to the evil, &c. and against the peace, &c.

The King against T. T. and others.

Hilary, 2d and 3d of James the 2d. Roll 101.

Information
for marry-
ingan infant
by deceit-
ful and in-
direct prac-
tices, to a
scandalous
woman.

THAT one James Silverlock, gentleman, son and heir of R. S. esquire, on the day and year, &c. being a person then seized in his demesne, as of fee of lands and tenements of great value, to wit, of lands and tenements of the yearly value of 200l. in his possession, and in other lands and *tenements in reversion, after the estate which Catherine, now wife of W. K. esquire, the mother of the said J. S. then had and now has determinable upon her life, of the yearly value of 30l. and so being seized, and then being an infant within the age of 21 years, and in the guardianship of the said W. K. and C. nevertheless one T. T. late of, &c. and others, being persons of evil name, fame and of dishonest conversation, contriving, conspiring, and most wickedly intending and devising to deceive and defraud the said J. S. and to marry him to one E. M. a person of evil name, and of dishonest conversation, and of no estate or fortune, without any consent or approbation of any of the friends or relations of the said J. S. on the said day and

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and year aforesaid, at the parish aforesaid, &c. falsely, unlawfully, fraudulently and deceitfully did affirm to the said J. S. that the said E. M. was a woman of good, honest and laudable conversation, and that she had a good estate and fortune, to wit, one thousand pounds in money, and lands and tenements of the value of 200l. by the year, and to perfect their fraudulent intentions, combinations and contrivances aforesaid, and to withhold him the said J. S. from all converse with any of his friends and relations, or from having due consideration of and concerning the premisses, they the said T. T. and others, &c. him the said J. S. in their company, or in the company of one of them, in feasting, and in carrying and removing the said James Silverlock from one place to another, for the space of three successive days did detain, to wit, at the parish, &c. in the county, &c. until that he the said J. S. being an infant as aforesaid, by false and unlawful ways and means aforesaid, by the said T. T. and others, &c. afterwards to wit, on the said day and year, &c. at, &c. at the eleventh hour of the night of the said day, there was procured to marry, and then and there did marry the said E. M. then and a long time before being not only a woman of evil and dishonest conversation, but also poor and indigent, and of no estate or fortune, and then for the whole time aforesaid, being known to the said T. T. and others, and to every of them to be a woman of evil and dishonest conversation, and to be poor and indigent, and of no estate or fortune. To the great displeasure of almighty God, to the final sorrow, great damage and grief, as well of the said J. S. as of the said W. K. and C. his wife, to the evil example, &c. and against the peace, &c. whereupon the said coroner and attorney, &c.

The King against Saunders and others.

Michaelmas, the 2d of James the 2d. Roll 98.

To wit. } **T**HAT Andrew Saunders and T. B. of, &c. being information for cheating a person, by a forged letter,
persons of evil fame and dishonest conversation,
devising and intending, and each of them devising and intending
one R. L. of divers sums of money, falsely, unlawfully and
fraudulently to deceive and defraud, and to fulfil, perfect and
bring to effect their devices and intentions aforesaid, they the
said

Indictments for Cheats, Deceits, &c:

*P. 101. said A. S. and T. B. on the day and * year, &c. at, &c. falsely, unlawfully, unjustly, fraudulently, knowingly and deceitfully did make, compose, write and forge, or did cause to be made, composed, written and forged, and each of them then and there with force and arms, &c. falsely, unlawfully, unjustly, fraudulently, knowingly and deceitfully did make, compose, write and forge, or cause to be made, composed, written and forged, a certain false, feigned, counterfeit and forged letter, in the name of one J. L. the wife of the said R. L. (the said A. and T. then well-knowing that one M. W. was the brother of the said J.) bearing date the said day and year aforesaid, to the said M. W. directed and subscribed, the tenor of which letter and subscription follows in these words, "*This for Mr. Windham, &c.*" and the said A. S. and T. B. afterwards to wit, on the day and year, &c. at, &c. with force and arms, falsely, unlawfully, knowingly, fraudulently and deceitfully, the said false, feigned, counterfeit and forged letter, as a true letter written by the said J. L. and by the said J. L. written and subscribed, to the said M. W. did deliver, and cause to be delivered, and then and there, the said false, feigned, counterfeit and forged letter, with force and arms, &c. unlawfully, unjustly and deceitfully did publish, and cause to be published, and each of them then and there did publish, and cause to be published, the said A. S. and T. B. then and there well knowing, and each of them well-knowing that the letter aforesaid, was false, feigned, counterfeit and forged; and that the said A. S. and T. B. then and there to wit, on the day and year, &c. aforesaid, at, &c. by pretext and colour of the said false, feigned, counterfeit and forged letter so as aforesaid, to the said M. delivered the sum of 6l. 6s. 8d. in money numbered, of and from the said M. W. falsely, unlawfully, unjustly and deceitfully into the hands and possession of the said A. S. and T. B. did acquire and obtain, and the said M. W. then and there of the said sum of 6l. 6s. 8d. falsely, unlawfully, unjustly, knowingly and fraudulently did deceive and defraud to the great imposition of the said M. W. in contempt, &c. to the evil example, &c. and against the peace, &c.

The King against Blackbourne.

Michaelmas, the 36th of Charles the 2d.

Indictment
against a
married wo-
man, for
pretending

To wit, } **T**HAT on the 6th day of May, in the thirty-fourth year of the reign of our lord Charles the 2d; now king of England, &c; Peter Daniell, knight, and Samuel

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Samuel Dashwood, esq; at that time sheriff of the county of Middlesex, by virtue of a certain precept, out of the court of the said lord the king, before the king himself (the said court then being held at Westminster, in the county of Middlesex) issuing to the said sheriff directed, made his certain warrant under the seal of his office to one N. T. and other bailiffs of the hundred of Ossulston, in the county, &c. in the same warrant named, to take J. C. widow, in the precept aforesaid named, so that the said sheriff should have the body of the said J. C. before the said lord the king at Westminster, on the Monday, &c. then next * coming, to answer W. S. of a plea of trespass, and also to a bill of the said W. against the said J. for fifty pounds, upon promises according to the custom of the court aforesaid, which N. T. then bailiff of the said sheriff in the warrant aforesaid specified, by virtue of the warrant aforesaid, to the said N. T. and others, by the said sheriff in the form aforesaid, made and directed, afterwards and before the return of the precept aforesaid, to wit, on the day and year, &c. at, &c. the body of the said J. C. took and arrested, and her the said J. by virtue of the warrant aforesaid, in his custody and of the said sheriff, then and there had and detained; and that one I. B. wife of R. B. late of, &c. in the county, &c. well-knowing the premisses aforesaid, devising, practising and intending the said W. S. of the said fifty pounds, craftily and subtilly, fraudulently, falsely and deceitfully to deceive and defraud, and to fulfil, perfect and bring to effect, her most wicked devices, practices and intentions aforesaid; she the said I. B. afterwards to wit, on the said day and year, &c. at, &c. in the county, &c. with force and arms, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully did say, assert and affirm for truth, to the said N. T. and the other bailiffs of the sheriff of the county of Middlesex, in whose custody the said J. C. then and there was and appeared a prisoner, that she the said I. B. was a widow, and unmarried, and that the said I. B. then and there with force and arms, &c. unlawfully, unjustly, falsely, fraudulently and deceitfully to the said N. T. and the other bailiffs of the said sheriff of the county of Middlesex, did offer herself to become bail for the said J. C. in the action aforesaid, at the suit of the said W. S. and that the said I. B. then and there, with force and arms, &c. unlawfully, unjustly, craftily, falsely, fraudulently and deceitfully to fulfil, perfect, and bring to effect, her most wicked devices, practices and intentions aforesaid, by the name of I. B. of the parish, &c. widow, did become bound, to the said P. D. and S. D. then sheriff of the county of Middlesex aforesaid, for the appearance of the said J. C. widow, to the action aforesaid, at the suit of the said W. S. so as aforesaid prosecuted, and that the said I. B. then and there, with force and arms, &c. unlawfully, unjustly, falsely, fraudulently and deceitfully by the name of I. B. of, &c. in the

herself to
be a widow,
and as a
widow exe-
cuting a
bail-bond
to the she-
riff, for one
arrested on
a writ for
fifty pounds

Indictments for Cheats, Deceits, &c.

county, &c. did become bound and acknowledged herself to be indebted to the said P. D. and S. D. then sheriff of the county of Middlesex, in the sum of one hundred pounds, upon condition that the said I. C. should appear in the court of the said lord the king, before the king himself at Westminster, on the Monday, &c. to answer to the said W. S. of a plea of trespass, and also to a bill of the said W. against the said J. for fifty pounds, upon promises, as by the obligation aforesaid, of the said I. B. so as aforesaid, made and acknowledged to the said sheriff of the county of Middlesex more fully appears; whereas, in truth and in fact, the said I. B. then and there was not a widow, but a married woman, to wit, at Westminster aforesaid, to the great damage, deceit and injury of the said P. D. knight, S. D. esquire, and N. T. to the evil example, &c. and against the peace, &c.

*P. 103.

* The King *against* Edwards.

Easter, the 35th Charles II.

Information
for cheating
the king of
his customs,
by counter-
feiting the
alnager's
seal, and
sealing cloth
therewith,
and deliver-
ing the same
so sealed.

To wit. } **T**HAT John Edwards, of, &c. and others, &c. being persons of evil name, fame and dishonest conversation, on the day and year, &c. at, &c. contriving and falsely, fraudulently and deceitfully intending the said lord the king, of the profit of the subsidy of cloth of the said lord the king, to deceive and defraud, then and there, with force and arms, &c. unlawtully, unjustly, falsely, fraudulently and deceitfully, a certain seal to the likeness and similitude of the seal of the alnager and collector of the subsidy, did make and forge, and cause to be made and forged, and then and there, with force and arms, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully, and for the sake of wicked gain, without any legal warrant or authority, thirty pieces of woollen cloth, called serge, of the goods and chattels of a certain person unknown, with the said false and counterfeit seal, did seal, and caused to be sealed; and that the said John Edwards, and others, &c. the said thirty pieces of woollen cloth, called serge, so as aforesaid, by them with the said false and forged seal, sealed, then and there, with force and arms, &c. unlawfully, unjustly, falsely, fraudulently and deceitfully, to divers persons unknown, did deliver as thirty pieces of woollen cloth, by the collector

Indictments for Cheats, Deceits, &c.

collector of the subsidies of the said lord the king, in the lawful manner sealed, with intention that the said thirty pieces of woollen cloth, without any further sealing should be sold and exposed to sale, to the great deceit and damage of the said lord the king, and of divers subjects of the said lord the king, to the evil example, &c. and against the peace, &c.

The King against Poulson.

Trinity, 36th Charles 2d.

To wit. } **T**HAT one Randolph Poulson, late of the parish of St. Margaret's, Westminster, in the county of Middlesex, gentleman, being indebted to one Elizabeth Littleton, widow, in the sum of one hundred pounds, and more, the said R. falsely and deceitfully, and with intention to deceive and defraud the said Elizabeth of 89l. part of the said 100l. affirmed that one W. S. of, &c. was indebted to the said R. in 89l. of the like money of England, and the said R. falsely and deceitfully, and with intention to defraud the said Elizabeth, on the 5th day of July, in the year, &c. at, &c. did make and give to the said E. L. widow, a certain bill of exchange in writing, under the hand of the said R. P. for the payment of the sum of 89l. and directed to the said W. S. which bill of exchange follows in these words, "*Mr. Southton, pay to Madam Littleton, the sum of eighty-nine pounds, lawful money of England, at or upon the 29th day of September, 1673, and this order shall be your discharge for the same, London, the 5th July, 1673, Randolph Poulson.*" And afterwards the said R. P. unlawfully, wickedly and unjustly intending and contriving, on the same day and year aforesaid, her the said E. L. of the said 89l. to deceive and defraud, did forge, make, write and counterfeit a certain other writing in the nature of an acceptance of the said bill of exchange, which writing follows in these words, "*I accept this bill, and promise to pay the same at the time prefixed, according to the contents of this bill above written, W. S. S. H. and M. R. witnesses;*" which writing last mentioned, he the said R. P. afterwards to wit, on the same day and year, &c. at, &c. did publish, and as a true writing under the hand of the said W. S. to the said E. L. did deliver, (whereas in truth, the said writing last mentioned, never was written under the hand of the said

W. S.)

Indictments for Cheats, Deceits, &c.

W. S.) with intention to deceive and defraud the said E. L. of the said 89l. [he the said R. P. then and there, well-knowing that the said writing last mentioned and recited, was knowingly, subtilly and falsely made and forged] in contempt, &c. to the great deceit and fraud of the said E. L. to the evil example, &c. and against the peace, &c.

The King *against* Wanſborough:

Michaelmas, the 2d of James the 2d.

Information for cheating a person of 3 periwigs on a false affirmation, that a gentleman in the country had desired the defendant to get and send him three periwigs.

To wit. } **T**HAT William Wanſborough, of the parish of St. Martin in the fields, in the county of Middlesex, furrier, being a person of evil name, fame and dishonest conversation, and not intending to obtain his living by honest labour, according to the laws of this kingdom of England, but contriving, devising and intending by unlawful means the goods and chattels of the honest liege subjects of the lord the now king, into his hands and possession, falsely, fraudulently and deceitfully to obtain and acquire to maintain his unlawful course of living, on the 29th day of October, in the 2d year of the reign of the lord James the 2d, king, &c. then knowing that one Thomas Ward had in his possession three periwigs, of the value of 6l. on the said 29th day of October, in the 2d year, &c. aforesaid, at the parish of St. Martin in the fields, in the county of Middlesex, falsely and deceitfully did pretend, affirm and assert to the said T. W. that a gentleman in the country did require him the said W. W. to procure, and to him (meaning the said pretended gentleman) send three periwigs; and then and there, upon the said pretext, falsely and deceitfully did require the said T. W. to deliver the said 3* periwigs, of the goods and chattels of the said T. W. to him the said W. W. for the pretended gentleman aforesaid, with intention unlawfully to defraud the said T. W. of the goods and chattels aforesaid, and that the said W. W. by colour and pretence of the said false and deceitful affirmation aforesaid, afterwards to wit, on the day and year last aforesaid, at the parish of St. Martin in the fields, in the county of Middlesex aforesaid, the

Indictments for Cheats, Deceits, &c.

the said three periwigs of the goods and chattels of the said T. W. unlawfully and deceitfully did obtain and acquire, and himself then to places to the said T. W. unknown, with the goods aforesaid, secretly did retreat and fly, whereas in fact, no person for the purpose as aforesaid, did send to the said W. W. for any such goods, and so the said W. W. the said T. W. by the false affirmation aforesaid, of the goods and chattels aforesaid, then and there, unlawfully and deceitfully did defraud, and the goods and chattels aforesaid, to the proper use of him the said W. W. then and there did convert and dispose to the manifest deceit of the said T. W. to the evil example, &c. and against the peace, &c.

The King *against* Chamberlain.

Hilary, the 34th and 35th of Charles II.

To wit. } **T**HAT Nathaniel Chamberlain, late of, &c. Information
 clock-maker, knowing that all things made against a
 of gold, and exposed to sale, and to be sold within this king- clock-ma-
 dom of England, ought to be made wholly of good and true ker, for
 gold, agreeing with the standard of the said lord the king, ne- selling a
 vertheless the said N. C. being a person of dishonest disposition, watch, and
 and contriving and fraudulently intending the liege subjects of other things
 the said lord the now king, falsely, unlawfully, deceitfully, thereto be-
 craftily and subtilly to deceive and defraud, and to subvert the longing,
 laws of this kingdom of England, on the 5th day made of
 the year, &c. at, &c. in the parish, &c. one gold box-case of a in base gold,
 watch, one gold pendant and ring affixed to the same watch, the same to
 together weighing twelve penny-weights of a pound weight of be made of
 gold, of more impure gold than ought to be, to wit, of gold pure stan-
 not agreeing with the standard aforesaid, (being five penny- dard gold.
 weights in every twelve penny-weights of a pound weight,
 thereof more base than gold agreeing with the standard aforesaid) with force and arms, &c. falsely, fraudulently and know-
 ingly did make and forge, and cause to be made and forged, and
 the said gold box-case of a watch, with the gold pendant and
 ring to the same case affixed, so falsely and fraudulently made
 and forged, afterwards to wit, on the said day and year, &c.
 at,

Indictments for Cheats, Deceits, &c.

at, &c. as a thing wholly made of gold, with force and arms, &c. falsely, unlawfully, fraudulently and knowingly, to a certain person, to the jurors aforesaid as yet unknown, did expose to sale, and did sell in contempt of the laws, &c. to the great damage and manifest deceit of the person aforesaid, to the jurors aforesaid unknown, to the evil example, &c. and against the peace, &c.

* P. 106.

* The King *against* Bonny.

Michaelmas, the 36th Charles 2d. Roll 48.

Information
against a
goldsmith,
for selling
buttons
made of
base silver.

To wit. } **T**HAT Francis Bonny, of the parish, &c. goldsmith, who for seven years now last past, and more, hath exercised the art of a goldsmith, at the parish, &c. and many vessels and other things made of silver, under colour of his art aforesaid, there hath caused to be made, and to divers liege subjects of the said lord the now king, hath exposed to sale, and hath sold, and that the said F. B. well-knowing that all vessels and other things made of silver, by the men of the mystery of a goldsmith, to be exposed to sale, and to be sold within the parish, &c. and elsewhere, within this kingdom of England, ought to be made wholly of good and true silver agreeing with the standard of the Exchequer, of the said lord the king, nevertheless the said F. B. being a person of evil and dishonest disposition and contriving, wickedly and fraudulently intending the liege subjects of the said lord the now king, falsely, unlawfully, deceitfully, craftily and subtilly to deceive and defraud, and the laws of this kingdom of England to subvert, on the day and year, &c. and at divers other days and times then before, at, &c. nine dozen of silver buttons, and two pair of silver cuff buttons, together weighing ten ounces and more, of impure and more base silver than ought to be, to wit, of silver not agreeing with the standard of the Exchequer aforesaid, (being two shillings and three pence in every ounce more base than silver agreeing with the standard aforesaid) with force and arms, &c. falsely, unlawfully, fraudulently and knowingly to divers liege subjects of the said lord the now king, to the said attorney general of the said lord the now king as yet unknown, then and there, as things wholly made of silver, of good and true silver, agreeing with the standard aforesaid, did expose to sale, and did sell in contempt of the said lord the now king, and of his laws, to the evil example, &c. and against the peace, &c.

The

The King against Worrell.

To wit, } **T**HAT by the use and custom of dyers, in and Information
 about the city of London and elsewhere with-against a
 in this kingdom of England, for the space of forty years now dyer, for
 last past and more, all woollen cloth called Bays, well, selling bays
 sufficiently and in a workman-like manner prepared, and not duly
 grounded with woad for black colour with madder, commonly a counter-
 called Madder-black, always have been woaded at least to the feit seal,
 fourth stall and degree of woad; and that for the whole time and with a
 aforesaid, all woollen cloth called Bays so as aforesaid, well, false mark.
 sufficiently, and in a workman-like * manner prepared and
 grounded with woad, for black colour, with madder, common-
 ly called madder-lack, woaded to the fourth stall and degree of
 woad, always by the Seal-master of the wardens and fraternity
 of the mystery of Dyers of the city of London, with a certain
 seal, for that purpose in a lawful manner appointed, used and
 approved, were sealed before that they were sold, uttered or ex-
 posed to sale, and that also for the whole time aforesaid, all
 the dyers in and about the city of London aforesaid, and else-
 where within the kingdom of England have been used and ac-
 customed upon one end of every piece of woollen-cloth called
 Bays, so as aforesaid woaded, and according to the art, well
 and sufficiently dyed a black colour with madder, for the colour
 called Madder-black, and not upon any other piece of woollen
 cloth called Bays dyed a black colour, to make and print the
 mark and sign of a Red Rose in and upon the end of every such
 piece of woollen cloth called Bays, by which mark or sign in
 and upon the end of every such piece of woollen cloth called
 Bays, dyed a black colour with madder, for the colour called
 Madder-black, as aforesaid, the buyer of every such piece of
 woollen cloth called Bays, would understand and would be cer-
 tain that the same were well, sufficiently and according to the
 art dyed a black colour with madder for the colour called Mad-
 der-black, and in and for the same in like manner would pay;
 and that one Thomas Worrel of the parish of St. Saviour,
 Southwark, in the county of Surry, dyer, well knowing the
 premisses, on the 1st day of April, in the 25th year of the reign
 of the lord Charles the 2d, king, &c. and continually after-
 wards until the day of the exhibition of this information, at the
 parish

Indictments for Cheats, Deceits, &c.

parish aforesaid, in the county aforesaid, did exercise, use and employ the art, mystery and manual occupation of a dyer; and that the said Thomas Worrel within the time aforesaid, at the parish and county aforesaid, wellknowing the premises as aforesaid, but contriving, practising, and falsely, fraudulently and deceitfully intending the subjects of the said lord the king of this kingdom of England, and others as well within this kingdom of England as elsewhere, to deceive and defraud, and to fulfil, perfect, and bring to effect his most wicked contrivances, practices and intentions aforesaid, he the said T. W. then and there, to wit, between the said 1st day of April, in the 25th year, &c. aforesaid, and the day of the exhibition of this information, at the parish aforesaid, in the county aforesaid, &c. with force and arms, &c. falsely, unlawfully, unjustly, fraudulently, unworkmanly, and insufficiently woaded a thousand pieces of woollen cloth called Bays, for black colour with madder, commonly called Madder-black; and the said thousand pieces of woollen cloth, called Bays, and each and every piece thereof, woaded only to the 1st, 2d, and 3d, stall and degree and not more, which stall and degree of woad is too light and insufficient for black colour with madder, commonly called Madder-black; and that the said T. W. then and there, to wit, between the said 1st day of April, in the 25th year, &c. aforesaid, and the day of the exhibition of this information, * at the parish aforesaid, in the county aforesaid, with force and arms, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully, the said thousand pieces of woollen cloth called Bays, and every piece thereof, so as aforesaid by him the said T. W. too lightly and insufficiently, to the first, second, and third stall and degree woaded, and not more for black colour with madder, commonly called Madder-black, with a false, feigned, and counterfeit seal, to the likeness and similitude of the seal by the fraternity of Dyers aforesaid used, for the sealing of woollen cloth called Bays, well, sufficiently, and in a workmanlike-manner woaded, to the fourth stall and degree of woad, and prepared and grounded with woad for black colour with madder, commonly called Madder-black, did seal and did cause to be sealed; and that the said T. W. then and there, between the said 1st day of April, in the 25th year, &c. and the day of the exhibition of this information, with force and arms, &c. at the parish aforesaid, in the county aforesaid, falsely, unlawfully, unjustly, fraudulently and deceitfully, upon the several ends of the said thousand pieces of woollen cloth called Bays, dyed a black colour, by him the said T. W. and also upon the ends of two hundred other pieces of woollen cloth called Bays, of a black colour as aforesaid, did make and print, and did cause to be made and printed, he mark and sign of a red rose, and the said thousand pieces of woollen cloth called Bays, and every piece thereof, so as aforesaid

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said by the said T. W. with the sign and mark of a red rose signed and marked, and with the false seal aforesaid, by him the said T. W. sealed, and the said 200 pieces of woollen cloth called Bays, and every piece thereof, so as aforesaid by him the said T. W. with the sign and mark of the red rose aforesaid, by him the said T. W. so as aforesaid, signed and marked, for one thousand two hundred pieces of woollen cloth called Bays, of a black colour, with madder for the colour, commonly called Madder-black, well, sufficiently, and in a workmanlike manner dyed, to divers subjects of the said lord the king, and to others, as well within this kingdom, as elsewhere, to the said attorney-general of the said lord the king as yet unknown, did sell, utter and deliver, with intention that the said one thousand two hundred pieces of woollen cloth, called bays, so as aforesaid, by him the said T. W. with the sign and mark of a red-rose, signed and marked, for one thousand two hundred pieces of woollen cloth, called bays, well and sufficiently, and in all parts dyed of a black colour with madder, commonly called madder-black, should be sold, uttered and delivered to divers subjects of the said lord the king, and to others, whereas in truth, the said one thousand two hundred pieces of woollen cloth, called bays, and every piece thereof, were not maddered in all parts of them, but were maddered only upon the several ends of the said pieces of woollen cloth, called bays, where the said mark and sign of a red rose was printed and placed, to the great deceit; prejudice, damage and injury of divers subjects of the said lord the king, to the evil example, &c. against the peace, &c.

* The King and Albyn *against* Farmer.

* P. 109.

To wit. **T**HAT one Benjamin Albyn, of London, mer-
chant, trading in the buying of woollen cloth, had bought
by him to be transported into parts beyond the seas, and there of the de-
to be sold, according to the custom of merchants, on the 25th ^{pendant 30}
day of November, in the 34th year of the reign of our lord ^{pieces of}
Charles the 2d, king, &c. at London to wit, in the parish of the ^{Spanish}
blessed Mary of the arches, in the ward of Cheap, did buy of one ^{cloth, and}
Henry Farmer of London, packer, 30 pieces of Spanish wool-
len cloth, at the rate and price, and of the value of eleven ^{stamp}
pounds ten shillings for every piece; and that the said Benjamin ^{them with}
Albyn after the buying of the same, a certain leaden seal, the ^{his own}
R ^{stamp, and}
property defendant. ^{let them}
with the

Indictments for Cheats, Deceits, &c.

who coun- property of the said Benjamin, with a certain iron instrument
terfeit the called a stamp, stamped, and by the said Benjamin in such case
stamp, and used, upon one end of every such piece of the said thirty pieces
delivered of cloth, then and there did place and affix, and did cause to
other pieces be placed and affixed, and the said thirty pieces of cloth in
of less value the custody and possession of the said H. F. did leave, with in-
stamp with tention, that the said H. F. might procure the said thirty pieces
the coun- of cloth, to be dyed into several colours for the said Benjamin,
terfeit stamp and that the said H. F. being a person of evil name and fame,
to the mer- and of dishonest conversation, well-knowing the premisses
chant, and afore- said, but devising, and falsely, fraudulently and deceit-
so cheated him. fully intending the said B. A. to deceive and defraud, and to
cause the said B. A. to take and have other pieces of woollen
cloth by him not bought, but of less value, in the place of the
cloth by him as afore- said bought, and to fulfil, perfect and
bring to effect his most wicked devices, practices and intenti-
ons afore- said; he the said H. F. on the said 25th day of No-
vember, in the 34th year, &c. afore- said, at London afore- said,
in the parish and ward afore- said, with force and arms, &c. the
marks afore- said, called seals, the property of the said B. A.
upon twenty-five pieces of the said cloth so as afore- said affixed,
falsely, unlawfully, unjustly, fraudulently and deceitfully, and
without the knowledge of the said Benjamin, then and there,
did rip and tear off, and then and there with force and arms,
&c. a certain false and counterfeit iron instrument, called a
stamp, to the likeness of the iron instrument called a stamp
of the said Benjamin, did cause and procure to be forged and
made, and with the said instrument afterwards to wit, on the
said 25th day of November, in the 34th year, &c. afore- said,
at London afore- said, in the parish and ward afore- said, with
force and arms, &c. twenty-five other pieces of woollen cloth
of less value to wit, each piece thereof of the value of seven
pounds ten shillings and no more, upon every of them the said
twenty-five pieces of cloth with a false, feigned and counterfeit
leadен seal, to the likeness and similitude of the proper seal of
the said Benjamin, and as the seal of the said Benjamin [which
false seal the said H. F. then and there had caused and pro-
cured to be made and forged for the purpose afore- said] falsely,

*P. 110. fraudulently and deceitfully then and there with force and
arms, did stamp, and did cause to be stamped, and then and
there, with force and arms, &c. falsely, unlawfully, unjustly,
fraudulently and deceitfully upon the end of every of the said
25 pieces of cloth last mentioned, the said false, feigned and
counterfeit seal did place, and did cause to be placed, and by
reason thereof, the said 25 pieces of cloth, and every piece
thereof last mentioned, sealed with the false seal, in the place
of the said 25 pieces of cloth, by the said Benjamin so as
afore- said from the said Henry bought, to the said Benjamin
then and there falsely, unlawfully, fraudulently and deceit-
fully

Indictments for Cheats, Deceits, &c.

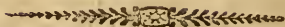
fully did deliver and impose, and so the said H. F. him the said B. A. of the said 25 pieces of cloth first mentioned, then and there with force and arms, &c. falsely, unlawfully and unjustly did deceive and defraud, to the great deceit, damage, prejudice and injury of the said B. A. to the evil example, &c. against the peace, &c. whereupon the said coroner and attorney, &c.

The King *against* Williams.

Easter, 36 Charles the 2d.

Middlesex, **T**HAT Thomas Williams, late of, &c. on the Information To wit. ^{against a} day and year, &c. then and as yet the servant of ^{moneyer,} Jonathan Ambrose, gold-melter, of the lord the king in the ^{for throw-} gold melting-house, in the mint of the lord the king within the ^{ing copper} tower of London, the said Thomas Williams then being a per-into the son of wicked mind, and of impious, corrupt and deceitful melting-pot conversation, and devising, practising and falsely, fraudulently in the tow- and deceitfully intending, the said lord the now king, and the ^{er of Lon-} subjects of the said lord the king, by unlawful ways and means ^{don, among} to deceive and defraud, and the pure lawful money of this ^{the gold for} coining kingdom of England, called guinea pieces of gold, with cor-rupt and base metal, to vitiate, spoil and to render base and ^{tending} corrupt, and to fulfil, perfect and bring to effect his most wick- ^{thereby to} ed and detestable devices, practices and intentions, the said ^{cheat the} Thomas Williams afterwards to wit, on the said day and year, ^{king, and} the people. &c. at the parish of St. Catharine, near to the tower of London, in the county of Middlesex aforesaid, with force and arms, &c. falsely, unlawfully, unjustly, fraudulently and deceitfully, one piece of copper, containing eighteen grains weight, into a parcel of gold, called gold fassel, and according to the standard of the lord the king, prepared for melting, and then lying in a certain ladle, did throw and place, with intention to melt the said parcel of gold with the said piece of copper, and the said parcel of gold so be melted with the said piece of copper mixed, into certain pieces of gold, called guinea pieces of gold, to make and coin, to the great deceit and damage of the said lord the king, and the subjects of the said lord the king, to the evil example, &c. and against the peace, &c.

Indictments for Extortion.



* *Indictments for Extortion.*

*P. III.

The King *against* Broughton.

Trinity, 24th Charles II.

Information
against the
defendant,
keeper of
the gate-
house, at
Westmin-
ster, for se-
veral extor-
sions in her
office.

Middlesex, } **T**O be informed that Mary Broughton, of the
To wit. } parish of St. Margaret, Westminster, in the
county of Middlesex, widow, on the first day of May, in the
22d year of the reign of the lord Charles the 2d, and continu-
ally afterwards to the day of the exhibition of this information,
was and as yet is keeper of the prison of the lord the king, of
the gate-house Westminster, in the county of Middlesex, and
the office of keeper of the prison aforesaid, at the parish aforesaid, in the county aforesaid, for the whole time aforesaid, hath
undertaken, exercised and had, and as yet doth undertake,
exercise and have, nevertheless the said Mary Broughton,
not regarding the duty of her office aforesaid, and the
trust in her reposed entirely perverting, and devising and
intending the liege subjects of the said lord the king, for the
private gain of her the said M. B. to oppress, impoverish and
greatly to distress, and the due execution of justice, as much as
in her lay to retard and pervert, at the parish of St. Margaret,
Westminster, in the county of Middlesex aforesaid, between
the said 1st day of May, in the 22d year, &c. aforesaid, and the
day of the exhibition of this information, under colour of her
office of keeper of the goal aforesaid, unlawfully, unjustly,
and extorsively did exact, receive and have, and into the hands
and possession of her the said M. B. did obtain, from one Ed-
ward Owen, the sum of two shillings and four pence, for the
charging of one Alexander Home, esquire, then a prisoner in
the prison of the gate-house, Westminster aforesaid, in the
custody of the said M. B. with an action for 20*l.* prosecuted
at the suit of the said Edward Owen. And that also the said
M. B. within the time aforesaid, to wit, between the said 1st
day of May, in the 22d year, &c. aforesaid, and the day of the
exhibition of this information, at the parish of St. Margaret,
Westminster aforesaid, in the county of Middlesex aforesaid,
under

1st Charge.

2d Charge.

Indictments for Extortion.

under colour of her office of keeper of the goal aforesaid, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain, from one Philip Hanbury, the sum of two shillings and four pence, for the charging the said Alexander Home, esquire, then a prisoner in the prison of the gate-house aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said P. H. for 10l. And that also the said M. B. ^{3d Charge.} within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the lord the king, of the gate-house, Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did receive and have, and into the hands and possession of her the said M. B. did obtain from one William * Crofs, the sum of two shillings and four-pence for the charging of the said Alexander Home, esquire, then a prisoner in the prison aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said W. C. for 60l. And that also the said M. B. ^{4th Charge.} within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain, from one Mary Higgins the sum of two shillings and four-pence for the charging of the said Alexander Home, then a prisoner in the prison aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said M. H. for 10l. 10s. And that also the said M. B. ^{5th Charge.} within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house, Westminster, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain from one Henry Kemp, the sum of two shillings and four-pence, for the charging of the said Alexander Home, esquire, then a prisoner in the prison aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said H. K. for 150l. And that also the said M. B. ^{6th Charge.} within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition

*P. 112.

Indictments for Extortion.

bition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain, from one Thomas Kemp, the sum of two shillings and four-pence, for the charging of the said Alexander Home, esquire, then a prisoner in the prison aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said T. K. for 25l. And that also the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the said 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain from one J. Godfrey, the sum of two shillings and four-pence, for the charging of one Alexander Home, otherwise called Hume, esq. then a prisoner in the prison aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said J. G. for 32l. And that also the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster, aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord * the king, of the gate-house Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain from one John Deale, the sum of two shillings and four-pence, for the charging of Alexander Home, then a prisoner in the prison aforesaid, in the custody of the said M. B. with an action prosecuted at the suit of the said J. D. for 40l. And that the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, to wit, upon the 27th day of March, in the 24th year of the reign of the said lord Charles the 2d, of England, &c. king, &c. at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house Westminster aforesaid, in the county of Middlesex aforesaid, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain from one J. H. then a prisoner in the goal aforesaid, and in the custody of the said M. B. the sum

7th Charge.

8th Charge.

*P. 113.

9th Charge.

Indictments for Extortion.

sum of twenty shillings, upon pretence of her fee, upon the discharge of the said J. H. from the said prison, out of the custody of her the said M. B. whereas in truth, no such sum was due to the said M. B. upon the discharge of the said J. H. And that the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, to wit, on the 20th day of May, in the 24th year, &c. at the parish of St. Margaret, Westminster, in the county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain from one H. M. of, &c. yeoman, two pieces of gold, commonly called guinea pieces of gold, each piece thereof being the legal money of England, and of the value of twenty shillings, for ease and favour, and for unloosing and setting at large, one B. D. from irons, then a prisoner in the said prison, in the custody of the M. B. detained, for felony and murder, by him the said B. D. late before that time supposed to have been committed. And that the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, to wit, upon the 20th day of May, in the 24th year, &c. at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house, Westminster aforesaid, unlawfully, unjustly, and extorsively did exact, receive and have, and into the hands and possession of her the said M. B. did obtain from one W. E. a prisoner within the prison aforesaid, in the custody of the said M. B. detained, for felony and murder by him the said W. E. late before that time supposed to be committed, two pieces of gold, commonly called guinea pieces of gold, each piece thereof being the legal money of England, and of the value of twenty shillings, for ease and favour shewn to the said W. E. in not confining the said W. E. in irons, being in the prison aforesaid, in the custody of the said M. B. for the cause aforesaid. And that the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house, Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have from one Philip Peers, gent. the sum of 4l. 8s. 8d. upon the discharge of the said P. P. from the said prison, out of the custody of the said M. B. whereas in truth, no such sum was due to the said M. B.

10th Charge

11th Charge

12th Charge
*P. 114.

Indicments for Extortion.

13th Charge M. B. upon such discharge. And that the said M. B. within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the goal of the said lord the king, of the gate-house, Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have, from one J. Smith, of, &c. yeoman, the sum of twenty-three shillings of the lawful money of England, for discharging the said J. S. from the prison aforesaid; and from one Richard Meade, of, &c. yeoman, the sum of twenty-two shillings, of the lawful money of England, for discharging the said R. M. from the prison aforesaid; and from William Deane, of, &c. the sum of fourteen shillings, of the lawful money of England, for discharging the said W. D. from the prison aforesaid; and from one J. Morris, of, &c. yeoman, the sum of twenty-two shillings, of the lawful money of England, for discharging the said J. M. from the prison aforesaid, which J. S. R. M. W. D. W. D. and J. M. then were prisoners in the prison of the gate-house, Westminster aforesaid, in the said county of Middlesex, under the custody of the said M. B. to whose custody the said J. S. R. M. W. D. and J. M. by one William Sherpe, otherwise Sharpe, then one of the constables of the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, were then late before committed for divers trespasses and offences, by the said J. S. R. M. W. D. and J. M. severally by night supposed to have been committed, and that upon the payment of the said several sums of money, respectively by the said J. S. R. M. W. D. and J. M. to the said M. B. as aforesaid, she the said M. B. then and there to wit, within the time aforesaid, at the parish of St. Margaret, Westminster, in the said county of Middlesex, the said J. S. R. M. W. D. and J. M. from the said prison, out of the custody of the said M. B. without any lawful warrant, unlawfully, unjustly, and against the trust reposed in her, did discharge and permit to go at large wheresoever they would. And that also

14th Charge whereas one J. Tinsley, esquire, and one T. Kemish, esquire, within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. and the day of the exhibition of this information, to wit, on the said 1st day of September, in the 23d year of the reign, &c. in the night of the same day, in the parish of St. Martin in the fields, in the county of Middlesex aforesaid, were taken and apprehended by one Thomas Hoskins, then constable of the said parish, and then and there being in his watch, as malefactors, night-walkers and suspicious persons, and by the said constable then were brought to the prison of the gate-house aforesaid, and then and there were committed and delivered into the custody of the said M. B. in
that

Indictments for Extortion.

that prison, by her to be safely kept, until the said persons so taken and committed in convenient time, on the next following day might be brought before some justice assigned to preserve the peace of the said lord the king, to be * examined and dealt *P. 115.

with according to law, and she the said M. B. the said J. T. and T. K. in the said prison, in her custody then and there had and detained, and did undertake to keep them in the form aforesaid, nevertheless the said M. B. afterwards, and before that the said J. T. and T. K. were or could be brought before any justice of the peace, &c. to wit, on the 2d day of September, in the 23d year, &c. aforesaid, at the parish of St. Margaret, Westminster, in the said county of Middlesex, of her own proper head and purpose, wilfully, unlawfully and without any lawful warrant or authority, the said J. T. and T. K. from the prison aforesaid, out of her custody did discharge and dismiss, whereby the said malefactors escaped with impunity; And that the said M. B. ^{15th Charge} within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, to wit, upon the 17th day of May, in the 24th year of the reign, &c. at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex aforesaid, unlawfully, unjustly and extorsively did exact, receive and have from one G. D. of, &c. gent. the sum of six-pence of the lawful money of England, upon pretence of her fee for permitting the said G. D. to enter into the goal of the prison of the gate-house, Westminster aforesaid, to discourse with one B. D. then a prisoner in the prison of the gate-house, Westminster aforesaid, in the said county of Middlesex, in the custody of the said M. B. detained for felony and murder, by him the said B. D. late before that time supposed to have been done and committed, whereas in truth, no such sum of money was due to the said M. B. in that behalf. And that the said M. B. within the time aforesaid, to wit, between the said ^{16th Charge} 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, unlawfully, unjustly and extorsively did exact, receive and have from one F. C. of the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, yeoman, and M. C. the wife of the said F. C. lately called M. H. the sum of forty-eight shillings and four-pence, lawful money of England, for pretence of the fee of the said M. B. upon the discharge of the said M. C. then a prisoner in the prison of the gate-house, Westminster aforesaid, in the said county of Middlesex, and in the custody of the said M. B. whereas in truth, no such sum was due to the said M. B. upon the discharge of the said M. C. And that the said M. B. within the time aforesaid, to wit, be- ^{17th Charge} tween the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, to wit, upon

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the 21st day of May, in the 23d year, &c. the said M. C. then a prisoner in the custody of the said M. B. for debt, out of the place commonly used for the common goal of the gate-house aforesaid, in which prisoners for debt were usually placed and confined, did take, and her the said M. C. into a certain dungeon, within the prison of the gate house aforesaid, under the custody of the said M. B. unlawfully and maliciously did put, and her in the said dungeon for the space of ten weeks, then next following, without any bed or other accommodation for the natural convenience or support of the said M. C. did confine and detain, and for this sole cause, because that the said M. C. and her husband aforesaid, being poor and indigent, could not satisfy the said M. B. for the divers other sums of money which she the said M. * B. unlawfully, unjustly and extorsively did require and was willing to extort from them, and not for any other cause whatsoever. And whereas also at divers several times within the time aforesaid, to wit, between the said 1st day of May, in the 22d year, &c. aforesaid, and the day of the exhibition of this information, at the parish of St. Margaret, Westminster aforesaid, in the county of Middlesex aforesaid, divers pious and honest liege subjects of the said lord the now king, of their pious and charitable dispositions, and in commiseration of the miserable state of the poor and indigent prisoners being in the prison of the gate house, in the custody of the said M. B. gave and sent bread, food and flesh in several quantities, and also divers sums of money, in money numbered, as alms for the relief and support of the poor and indigent prisoners aforesaid, being in the prison aforesaid, in the custody of the said M. B. so as aforesaid, and the several alms aforesaid, to the said M. B. being as aforesaid, the keeper of the said prison, in the prison aforesaid, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, from time to time were delivered, by her to be given and distributed to the poor prisoners aforesaid, being in the prison aforesaid, under her custody aforesaid, from time to time so as aforesaid, according to the pious intention of such persons aforesaid, who so gave and sent such alms, nevertheless she the said M. B. from time to time as often as such alms were so given and sent, at the parish of St. Margaret, Westminster, in the county aforesaid, the greatest part of the said alms so given and sent, of her great and unjust avarice, and for her most wicked gain, to her own proper use and benefit did convert and dispose, and the said poor prisoners of the same most wickedly did defraud, and the said poor prisoners so in the prison aforesaid, under the custody of the said M. B. being in the mean time in the greatest danger of perishing by hunger, to the great and intolerable oppression of the poor prisoners aforesaid, and to the most wicked abuse of the pious intentions of such several persons who so gave and sent such alms. And that the said M. B. within the

*P. 116.

18th Charge

19th Charge

time

Indictments for Extortion.

time aforesaid, being as aforesaid, keeper of the goal of the said lord the king, of the gate-house, Westminster aforesaid, in the said county of Middlesex, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, under colour of her office of keeper of the prison aforesaid, unlawfully, unjustly and extorsively did exact, have and receive divers other sums of money, from divers liege subjects of the said lord the king, for divers other things and causes, before that time unknown and unheard of, and the said sums of money, so by her the said M. B. as aforesaid received, to her own proper use there did convert and dispose; And very many other and like ^{20th and} damages, oppressions, extortions, exactions, enormities and ^{general} grievances, the said M. B. under colour of her office of keeper ^{Charge.} of the goal of the gate-house, Westminster aforesaid, in the said county of Middlesex, within the time aforesaid, at the parish of St. Margaret, Westminster aforesaid, in the said county of Middlesex, to divers liege subjects of the said lord the king, unlawfully, unjustly and maliciously, and for the sake of wicked gain, did commit and perpetrate against the laws and customs of this kingdom of England, and against the due execution of her office of keeper of the goal of the gate-house, Westminster aforesaid, to the great scandal, reproach, dishonour, contempt and hindrance of justice, to the great damage, grievance, oppression, impoverishment, injury and ruin of very * many of the liege subjects of the said lord the now king, to * ^{P. 117,} the evil example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. Wherenpon the said coroner and attorney of the said lord the now, for the said lord the king, prays the ^{Process} consideration of the court here in the premisses, and the due ^{prayed.} process of law, against the said M. B. in this behalf to be awarded to make her answer to the said lord the king, of and concerning the premisses, &c. whereupon the sheriff of the county aforesaid, ^{Venire to} is commanded that he do not omit, &c. but that he cause her ^{answer.} to come to answer, &c. And now, to wit, on the Friday next after the morrow of the Holy Trinity, in this same term, before the lord the king at Westminster, comes the said M. B. by J. ^{Not Guilty,} W. her attorney, and having heard the information aforesaid, saith that she is not guilty thereof, and of this puts herself upon the country; and Thomas Fanshaw, knt. coroner and attorney of the said lord the king, in the court of the lord the king, before the king himself, who in this behalf prosecutes, doth the like, &c. therefore let a jury come thereupon before the said lord the king, from the day of the Holy Trinity, in three ^{Venire fac} weeks, wheresoever, &c. who neither, &c. to recognize, &c. ^{jurat a-} because as well, &c. the same day is given as well to the said ^{warded,} T. F. knt. who prosecutes, &c. as to the said M. B. &c. at which three weeks of the Holy Trinity, before the said lord the king at Westminster, come as well the said T. F. knt. who

Indictments for Extortion.

*Distringas
awarded.*

prosecutes, &c. as the said M. B. by her attorney aforesaid, and the sheriff returns the names of twelve jurors, of whom none, &c. therefore the sheriff of the county aforesaid, is commanded that he do not omit, &c. but that he distrain them by all their lands, &c. and that of their issues, &c. and that he have their bodies before the said lord the king, from the day of St. Michael, in three weeks, wheresoever, &c. or before the beloved and faithful of the said lord the king, Matthew Hale, chief justice of the said lord the king, assigned to hold pleas before the king himself, if first on Thursday the 27th day of June, at Westminster, in the great hall of the pleas, there by the form of the statute, &c.

Defendant was found guilty.

*The dean
and chapter
of West-
minster
hereupon,
make a sug-
gestion,
that they
are seized
in fee of
the office,
and that
the defend-
ant held of
them only
for a term
of years, and
therefore
they pray
an amoveas
manu, and
that they
may dispose
of the
office.*

*England, to wit. Be it remembered, that on Thursday next after fifteen days of St. Martin, in the term of St. Michael, in the 24th year of the reign of the lord Charles the 2d, the now king, &c. before the said lord the king at Westminster, comes John Bishop of Rochester, dean, and the chapter of the Collegiate Church of St. Peter, Westminster, by P. W. their attorney, to demand, claim, prosecute and defend, all and singular, their rights, liberties and privileges; and say that the lord James, late king of England, by his letters patent, sealed with his great seal of England, and to the court of the said lord the now king here shewn, bearing date at Westminster, the 3d day of August, in the 2d year of his reign, of England, reciting that whereas the lady Elizabeth, late queen of England, by her letters patent, bearing date at Westminster, the 21st day of May, in the 2d year of her reign, had created, erected, founded ordained, made, constituted and established the site of the late monastery of St. Peter, Westminster, and the place and church of the same, to be one Collegiate Church, of one dean, a priest, and twelve prebendaries priests, there to serve almighty God; and that the said dean and twelve prebendaries, then might and should be of themselves in * fact and in name, one body corporate, and should have perpetual succession, and that the deans and prebendaries thereof, and their successors for ever should be called and named the dean and chapter of the Collegiate Church of St. Peter, Westminster, the said late lord the king James, of his special grace, and of his certain knowledge and mere motion for himself, his heirs and successors, did give and grant to the said dean and chapter of the Collegiate Church of St. Peter, Westminster, and to their successors (among other things) to have the prison and the arresting, and imprisonment of all men arrested within the city and liberties of Westminster, as freely, fully and entirely, and in as ample a manner and form as the last abbot of the late monastery*

* P. 118.

Indictments for Extortion.

monastery of St. Peter's, Westminster, had in the premises, to have, hold and enjoy, to the said dean and chapter, and to their successors, to the use and behoof of the said dean and chapter and their successors for ever, as by the said letters patent (among other things) more fully appears; by virtue of which the said dean and chapter were seized of the liberty of having the prison and the arresting and imprisonment of all men arrested within the city and liberties of Westminster aforesaid, as of fee and right in the right of their church aforesaid, and so being seized thereof, John Earle, doctor in divinity, dean and the chapter of the Collegiate Church of St. Peter, Westminster aforesaid, afterwards to wit, on the 5th day of October, in the 13th year of the reign of the said lord the now king, at Westminster, in the county of Middlesex aforesaid, by their certain indenture then and there made, and with the common seal of the said dean and chapter, sealed, between the said dean and chapter of the one part, and one Edward Broughton, of Westminster, knt. and baronet, and Dame Mary, his wife, of the other part, one part of which indenture aforesaid, the said dean and chapter bring here into court, did demise, grant, and to farm let, to the said Edward, and Mary his wife, (among other things) the office of keeper of their prison aforesaid, together with all fees, profits, advantages, commodities, casualties, benefits and emoluments to the same office belonging, or in any manner appertaining, to have, hold, enjoy, exercise and possess the said office of keeper of the said prison, and of all the prisoners in the same, and all fees, profits, commodities, advantages, casualties, benefits and emoluments to the same office belonging, (among other things) to the said Edward and Mary, their executors, administrators and assigns, from the making of the said indenture, until the full end and term of forty years, from thence next following, and fully to be compleated and ended, as by the said indenture (among other things) more fully appears, by virtue of which the said E. and M. were possessed of the said office, with the appurtenances for the term of years as aforesaid, to them as aforesaid granted, and so being thereof possessed, the said E. B. afterwards to wit, in the 13th year of the reign of the lord the now king, at Westminster aforesaid, in the county of Middlesex aforesaid, died, possessed of the office aforesaid, and the said Mary survived him and kept herself therein, and was thereof sole possessed for the residue of the term aforesaid, so as aforesaid granted, by the right of survivorship, and so being thereof possessed, the said Mary for divers offences and misdeeds, by the said Mary perpetrated in the execution of her office aforesaid, whereof she the said * Mary, in the said court of the said lord the king here is convicted, hath forfeited the office aforesaid, with the appurtenances, as by the record thereof, in the said court of the said lord the king here remaining more fully appears,

Indicements for Extortion.

Judgment
of the
court there-
on.

appears, and for that cause the said dean and chapter pray and claim liberty to have and dispose the said office, with the appurtenances, and all fees, profits, commodities, advantages, casualties, benefits and emoluments. to the same office belonging, and pray that the hands of the said lord the now king from the said liberty may be removed, and an allowance of the said liberty, according to the grant so as aforesaid, to them made, with this, that they will verify, that the last abbot of the monastery of Westminster aforesaid, and all his predecessors from the time that, &c. have had, and have been accustomed to have, and have enjoyed the liberty of having the prison, &c. within the city and liberties of Westminster, and this, &c. Whereupon all and singular the premisses being seen, and by the court here understood, it is considered that the said Mary, pay to the lord the king, one hundred marks for her fine laid upon her, by reason of the premisses, and that the said Mary be taken to satisfy the lord the king for the said fine, and that the office of keeper of the prison aforesaid, be seized into the hands of the lord the king, until the court here shall determine to who or to whom that office of right belongs, or until that the court here further thereupon shall ordain, the right of every person being saved, &c. and the said Mary present here in court, is committed to the marshal, safely to be kept, until that, &c. and it is ordered by the court here, that the sheriff of Middlesex, receive the prisoners being in the said prison, into his custody, and that he answer for them, until that the court here upon the premisses shall further order.

This case is reported in 2 Lev. 71. 1 Keb. 241. 2 Keb. 345. 3 Keb. 32, 89, 92, 106, 151. Raym. 216.

Indictments for Extortion.

The King against Johnson.

Trinity, the 24th of Charles the 2d.

Huntingdon, } **T**O be informed, that Nicholas Johnson of S. An Information against a justice of peace for extorting fees for discharging recognizances, by him taken for the appearance of persons at the sessions of the peace, and for not returning the said Recognizances at the sessions.
To wit. } **I**n the county of Huntingdon, esq: on the 1st day of May, in the 15th year of the reign of our lord Charles the 2d, &c. and continually afterwards until the day of the exhibition of this information, was, and as yet is, one of the justices of the said lord the king, assigned to preserve the peace in the county aforesaid; nevertheless, the said N. J. not regarding the duty of his office, of one of the justices of the peace for the county aforesaid, and entirely perverting the trust reposed in him, and contriving and intending the liege subjects of the said lord the king, for the private gain of him the said N. J. to oppress, impoverish and greatly to distress, and the due execution of justice as much as in him lay, to hinder and destroy, between the said 1st day of May, in the 15th year aforesaid, and the said day of the exhibition of this information, at S. aforesaid, in the county aforesaid, under colour of his office of one of the justices of the peace of the county aforesaid, a certain sum of money, to wit, ten shillings in money * numbered, for not returning a certain recognizance before him, within the time aforesaid, taken for the appearance of one George Jackson, at a certain general session of the peace of the lord the king, for the county aforesaid, to be held next after the taking of the recognizance aforesaid, from the said G. J. unlawfully, unjustly, and extorsively did exact, receive, and have, and although the said next general session of the peace, for the county aforesaid, after the taking of the recognizance aforesaid, and to which the recognizance aforesaid ought to have been returned, was held at the town of Huntingdon, in the county aforesaid, on Tuesday the 24th day of April, in the 18th year of the reign of the lord Charles the 2d, &c. before Francis Compton, kt. John Hewit, baronet, and others their fellow-justices of the said lord the king, assigned to preserve the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds, in the county aforesaid perpetrated, the said N. J. the said recognizance

Indictments for Extortion.

2d Charge.

zance to the said general session of the peace, before the said justices as of right, and according to the law and custom of this kingdom of England he ought, did not return against the duties of his office, to the great hindrance of justice, to the evil and pernicious example, &c. and against the peace, &c. And that also the said N. J. within the time aforesaid, to wit, between the said first day of May, in the fifteenth year aforesaid, and the day of the exhibition of this information, at S. aforesaid, in the county aforesaid, being as aforesaid, one of the justices of the said lord the king, assigned to preserve the peace in the county aforesaid, under colour of his office of one of the justices of the peace of the county aforesaid, a certain other sum of money to the said coroner and attorney as yet unknown, of the goods and monies of one Thomas Downham, for not returning a certain other recognizance in like manner; before the said N. J. within the time aforesaid, taken for the appearance of the said T. D. at a certain general goal delivery of the lord the king, of his county of Huntingdon aforesaid, to be held next after the taking of the said last mentioned recognizance, from the said Thomas Downham, unlawfully, unjustly, and extorsively did exact, receive and have; and although the said next general goal delivery, of the said lord the king, to be held for the county aforesaid, at the town of Huntingdon aforesaid, in the county aforesaid, and to which the recognizance aforesaid ought to have been returned, on the third day of September, in the nineteenth year of the reign of the lord Charles the 2d, &c. was held before W. W. knt. then one of the justices of the said lord the king, assigned to hold pleas before the king himself and W. M. knt. then and as yet another justice of the said lord the king, assigned to hold pleas before the king himself, justices of the said lord the king, assigned to deliver his goal of the county of Huntingdon aforesaid, of the prisoners being therein, and also to hear and determine divers felonies, trespasses, and other misdeeds in the said county perpetrated; the said N. J. the said recognizance, to the said general goal delivery, before the said justices last named, did not return as of right and according to the law and custom of this kingdom of England he ought, against the duty of his office, to the great damage of the said T. D. to the great hindrance of justice, to the evil example, &c. and against the peace, &c. * And that

*P. 121.

3d Charge.

the said N. J. within the time aforesaid, to wit, between the said 1st day of May, in the 15th year, &c. and the day of the exhibition of this information, at S. aforesaid, in the county aforesaid, being as aforesaid, one of the justices of the said lord the king, to preserve the peace, in the county aforesaid, under colour of his office aforesaid, a certain other sum of money, to the coroner and attorney of our said lord the king, as yet unknown, for not returning certain other recognizances before him, within the time aforesaid, in like manner taken, for the

Indictments for Extortion.

the appearance of H. S. J. C. and K. A. severally, at a certain session of the peace of the lord the king, for the county aforesaid, to be held next after the taking of the several recognizances last aforesaid mentioned, from the said H. S. J. C. and K. A. unlawfully, unjustly, and extorsively did exact, have and receive, and although the said next general session of the peace of the lord the king, last mentioned, for the county aforesaid, and to which the said several recognizances last aforesaid ought to have been returned, was held at the town of Huntingdon aforesaid, in the county aforesaid, on the 13th day of July, 21st year, &c. before F. G. knight. and T. B. baronet, and others their fellow-justices of the said lord the king, assigned to preserve the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds in the county aforesaid perpetrated; the said N. J. the said several recognizances last mentioned, to the said general session of the peace, in like manner last mentioned, did not return, as of right and according to the law and custom of England he ought, against the duty of his office, to the great damage and prejudice of the said H. S. J. C. and K. A. to the great hindrance of justice, to the evil example, &c. and against the peace, &c. and that also, the said N. J. within the time a-^{4th Charge.} fore-
said, to wit, between the said 1st day of May, in the 15th year, &c. aforesaid, and the day of the exhibition of this information, at S. aforesaid, in the county aforesaid, being as aforesaid one of the justices of the said lord the king, assigned to preserve the peace in the county aforesaid, under colour of his office aforesaid, a certain other sum of money to the coroner and attorney of our said lord the king as yet unknown, for not returning a certain other recognizance before him, within the time aforesaid in like manner taken, for the appearance of one Anne Ellis, at a certain other session of the peace of the said lord the king, for the county aforesaid, to be held next after the taking of the recognizance aforesaid last mentioned, from the said A. F. unlawfully, unjustly, and extorsively did exact, receive and have, and although the next general session of the peace for the county aforesaid, last mentioned, and to which the recognizance aforesaid last mentioned, ought to have been returned, was held at the town of Huntingdon, in the county aforesaid, on the 14th day of January, in the 19th year, &c. before I. H. bart. J. B. lnt. and others their fellow-justices of the said lord the king, assigned to preserve the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses and other misdeeds, in the county aforesaid perpetrated; the said N. J. the said recognizance to the said general session of the peace last mentioned, before the justices last named, did not return as of right and according to the law and custom of England he ought, against the duty of his office, to the great damage and injury of the said A. E. to the great hin-
T drance

Indictments for Extortion.

drance of justice, to the evil and pernicious example, &c. and
*P. 122. against the peace of the said * lord the king, &c. And that
5th Charge. also the said N. J. within the time aforesaid, to wit, between
the 1st day of May, in the 15th year, &c. aforesaid, and the
day of the exhibition of this information, at S. aforesaid, in
the county aforesaid, being as aforesaid, one of the justices of
the said lord the king, assigned to preserve the peace in the
county aforesaid, under colour of his office aforesaid, a certain
other sum of money, to the said coroner and attorney of the
said lord the king as yet unknown, for not returning a certain
other recognizance, before him within the time aforesaid, taken
for the appearance of one T. Smith; at a certain other session
of the peace, for the county aforesaid, to be held next after the
taking of the recognizance aforesaid last mentioned, from the
said T. S. unlawfully, unjustly, and extorsively did exact, re-
ceive, and have, and although the next general session of the
peace of the said lord the king, for the county aforesaid last
mentioned, and to which the recognizance aforesaid last men-
tioned, ought to have been returned, was held at the town of
Huntingdon, in the county aforesaid, on the 12th day of Jan-
uary, in the 20th year, &c. before J. B. baronet, J. H. knt.,
and others their fellow-justices of the said lord the now king,
assigned to preserve the peace in the county aforesaid, and also
to hear and determine divers felonies, trespasses and other mis-
deeds in the county aforesaid perpetrated, the said N. J. the
said recognizance last mentioned, to the said general session of
the peace last mentioned, before the said justices last named,
did not return, as of right and according to the law and custom
of England he ought; against the duty of his office, to the great
damage and prejudice of the said J. S. to the great hindrance
of justice, to the evil and pernicious example, &c. and against
the peace, &c. And that the said N. J. within the time aforesaid,
6th Charge. to wit, between the said 1st day of May, in the 15th year,
&c. aforesaid, and the day of the exhibition of this information,
at S. aforesaid, in the county aforesaid, being as aforesaid one
of the justices of the peace of the said lord the king, for the
county aforesaid, under colour of his office aforesaid, a certain
other sum of money to the coroner and attorney of the said lord
the king as yet unknown, for not returning a certain other re-
cognizance before him within the time aforesaid, in like man-
ner taken, for the appearance of one M. P. and Christopher H.
the younger, at a certain other session of the peace of the said
lord the king, for the county aforesaid, to be held next after
the taking of the recognizance aforesaid last mentioned, from the
said M. P. and C. H. unlawfully, unjustly and extorsively, did
exact, have, and receive, and although the next session of the
peace of the said lord the king, for the county aforesaid, to
which the recognizance aforesaid last mentioned, ought to have
been returned, was held at the town of Huntingdon aforesaid,

Indictments for Extortion.

in the county aforesaid, on the 13th day of July, in the 21st year, &c. before F. M. kn. and T. B. baronet, and others their fellow-justices of the said lord the king, assigned to preserve the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdeeds in the county aforesaid perpetrated, the said N. J. the said recognizance last mentioned, to the said session of the peace last mentioned did not return, as of right and according to the law and custom of England he ought, against the duty of his office, to the great damage and injury of the said M. P. and C. H. the younger, to the great obstruction of justice, to the evil and pernicious example, &c. and against the peace of the said lord the now king, his * crown and dignity, &c. and many other damages, oppressions, enormities and grievances the said N. J. under colour of his office aforesaid, within the time aforesaid, at ^{7th and} S. aforesaid, in the county aforesaid, to divers liege subjects ^{general} of the said lord the king, unlawfully, unjustly, maliciously, ^{Charge.} and injuriously, and for the sake of wicked gain, did commit, do and perpetrate, against the laws, statutes and customs of this kingdom of England, against the duty of his office of one of the justices of the said lord the king, for the county aforesaid, to the great scandal, reproach, dishonour, contempt, and hindrance of the justice of the said lord the now king, within this kingdom of England, to the great damage, grievance, oppression, impoverishment, injury and ruin of very many of the liege subjects of the said lord the now king, in great contempt of the said lord the now king and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, &c. Whereupon the said coroner and attorney of the said lord the now king, for the said lord the now king, prays ^{Process} the consideration of the court here in the premises and the due ^{prayed:} process of law, against the said N. J. in this behalf, to be awarded, to make him answer to the said lord the now king, of and concerning the premises, &c. Whereupon the sheriff of the ^{Venire to} county is commanded, that he do not omit, &c. but that he ^{answer.} cause him to come to answer, &c. And afterwards, to wit, on the Friday next after the morrow of the Holy Trinity, in this same term, before the lord the king, at Westminster, comes the said N. J. by J. W. his attorney, and having heard the information, saith, that he doth not apprehend that the said lord the now king, will or ought any further to impeach or trouble ^{Demurrer.} him the said N. J. because of the premises in the information aforesaid specified, because he saith, that the said information, and the matter therein contained, are not sufficient in law, to which he hath no necessity, neither is he bound by the law of the land in any manner to answer, and for the insufficiency thereof, prays judgment, and that he may be dismissed of and

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Joinder. from the premisses, by the court here, &c. And Thomas Fanshaw, knt. coroner and attorney of the said lord the king, in the court of the said lord the king, before the king himself, who for the said lord the king in this behalf prosecutes, for the said lord the king saith, that the information aforesaid, and the matter therein contained, are good and sufficient in law to compel the said N. J. to answer to the said information.

The King and Stone against Newman and another.

Hilary, 32d Elizabeth. Roll 1427.

Information against the sheriff of the city of Gloucester, for extortion, in taking unjust fees for executing a Capias ad Satisfacien-
 *P. 124.
 dum, stat. the 29th of Elizabeth.
 C. 4.

City of Gloucester, }
 To wit. } **B**E it remembered, that on the 12th day of February, in this same term, comes here into court, one Jasper Stone, in his proper person, and as well for the lady the queen, as for himself gives the court here to understand and to be informed, that whereas by a certain act made by the parliament of the lady the now queen, held at Westminster, in the county of Middlesex, on the 15th day of February, in the 29th year of her reign, among other things, by the authority of the said parliament, it was enacted "That it should not be lawful from the 1st day of May then next following, to or for any sheriff, under-sheriff, bailiff of * franchises or libertys, nor for any of their or either of their officers, ministers, servants, bailiffs or deputies, nor for any of them, by reason or colour of their or either of their office or offices, to have, receive or take of any person or persons whatsoever, directly or indirectly, for the serving and executing of any extent or execution upon the body, lands, goods or chattels of any person or persons whatsoever, more or other consideration or recompence than in the said act was and should be limited and appointed to be lawful to be had, received and taken, that is to say, 12d. of and for every twenty shillings, where the sum should not exceed one hundred pounds, and six-pence of and for every twenty shillings being over and above the said sum of one hundred pounds, which he or they should so levy or extend and deliver in execution, or for which they should take the body in execution, by virtue and force of any such extent or execution whatsoever, under the pain and penalty that all and every the sheriff, under-sheriff, bailiff of franchises or libertys, their and every of their ministers, servants, officers,

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officers, bailiffs or deputies, who at any time after the said 1st day of May then next ensuing, directly or indirectly should do to the contrary should lose and forfeit to the party aggrieved, treble damages, and should forfeit the sum of forty pounds, of good and lawful money of England, for every time that he, they, or any of them should do to the contrary, one moiety to go to the said lady the queen, her heirs and successors, and the other moiety thereof, to the party or parties which should prosecute for the same, by any plaint, action, suit, bill or information, wherein no assign, wager of law, or protection should be allowed, as by the said act among other things more fully appears." And the said Jasper further saith, that after the said 1st day of May, in the act aforesaid specified, one Richard Hands and John Newman, from the 6th day of October, in the 30th year of the reign of the lady the now queen, for the space of one whole year next following were sheriff of the city of Gloucester aforesaid, and that within the space of the said year, to wit, on the 12th day of February, in the 31st year of the reign of the said lady the now queen, one Edward Aley, a certain writ of the said lady the queen, of *capias ad satisfaciendum*, at Westminster, in the county of Middlesex, out of the court of the said lady the queen, of the bench here, obtained and prosecuted to the said R. H. and J. N. then sheriff directed, returnable here, from the day of Easter, in fifteen days next following, for execution to be had as well of a certain debt of one hundred and sixty pounds, as of forty-six shillings, for damages, by the said Edward against the said Jasper, in the court of the bench here then lately recovered, which said writ afterwards to wit, on the 14th day of April, in the 31st year aforesaid, at the city of Gloucester aforesaid, to the said Richard Hands and John Newman then being sheriff of the county aforesaid, by the said Edward to take the body of the said Jasper, by virtue of the writ aforesaid, was delivered, whereupon the said R. H. and J. N. afterwards to wit, on the 17th day of April, in the 31st year aforesaid, then being sheriff of the city aforesaid, at the said city the body of the said Jasper Stone, by virtue of the writ aforesaid, did take and arrest, and in execution for the debt and damages * aforesaid, at the said city of Gloucester, in the county of the said city aforesaid, in the prison of the lady the queen, under the custody of the said R. H. and J. N. then sheriff, did keep, and the said R. H. and J. N. not regarding the statute aforesaid, nor in any manner fearing the penalty in the same contained; seven pounds for the serving and executing the execution aforesaid, upon the body of the said Jasper, in the form aforesaid, of one Elizabeth Stone, afterwards to wit, on the 18th day of April, in the 31st year aforesaid, at the said city of Gloucester, in the county of that city, under colour of their office aforesaid, did have and receive; which seven pounds, by the said then sheriff from the said Elizabeth, for executing the execution

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execution aforesaid, had and received, exceeds the rate of twelve pence for every twenty shillings, where the sum to be levied, doth not exceed one hundred pounds, and of six-pence for every twenty shillings, so being to be levied over and above the sum of one hundred pounds, against the form and effect of the statute aforesaid, whereby the said Richard Hands and John Newman have forfeited forty pounds. Whereupon the said Jasper who as well for the said lady the queen as for himself in this behalf prosecutes, prays one moiety according to the form of the statute aforesaid, and as well for the said lady the queen as for himself, prays the consideration of the court in the premiffes, and that due process of law may be awarded against the said R. H. and J. N. in this behalf, to make them to answer as well to the said lady the queen, as to the said Jasper, who, &c. in the premiffes, &c. and it is granted to him, &c. Pledges to prosecute John Doe and Richard Doe; whereupon the said Richard Hands and John Newman are commanded, that laying aside all pretences and excuses, in their proper persons, they be before the justices here, on Friday next after one month of Easter, to answer to the said lady the queen, and the said Jasper, who, &c. in the premiffes, &c. and that this in no wise either of them omit under the pain of one hundred pounds, &c. At which day here come as well the said Jasper, who, &c. by William Aylesbury his attorney, as the said R. H. and J. N. by William Evans their attorney, for this purpose, by the favour of the court specially admitted, and the said R. and J. defend the force and injury, when, &c. and pray oyer of the information aforesaid, and it is read to them, &c. which being read and heard the said R. H. and J. N. pray leave to imparl thereto, here until the Friday next after the morrow of the Holy Trinity, and they have, &c. the same day is given to the said Jasper, who, &c. here, &c. At which day here come as well the said Jasper, who, &c. as the said R. H. and J. N. by their attornies aforesaid, and thereupon the said R. H. and J. N. further pray leave to imparl thereto, here until the Saturday next after the octave of St. Michael, and they have, &c. the same day is given to the said Jasper, who, &c. here, &c. At which day here come as well the said Jasper, who, &c. as the said R. H. and J. N. by their attornies aforesaid, and thereupon the said R. and J. further pray leave to imparl thereto, here until the Saturday next after the octave of St. Hilary, and they have, &c. the same day is given to the said Jasper, who, &c. here, &c. At which day here come as well the said Jasper, who, &c. as the said R. and J. by their attornies aforesaid; and thereupon the said R. and J. further pray leave to imparl thereto, until the Wednesday next after fifteen days of Easter, and they have, &c. and the same day is given to the said Jasper, who, &c. And now at this day to wit, on the said Wednesday next after fifteen days from the day of Easter,

Process
prayed.

Venire to
answer
awarded to
the sheriff's
the defend-
ants.

1st Impar-
lance.

2d Impar-
lance.

3d Impar-
lance.

4th Impar-
lance.

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lady the queen at Westminster, upon judgments given in the same courts at Westminster, and also for this, that the said R. and J. say that the said Jasper, who, &c. ought not to have his action aforesaid, against them, whereas they ought to say, that the lady the queen, and the said Jasper, who, &c. ought not to have their action aforesaid, against them, &c.

Joinder.

*P. 127.

Curia advisare.

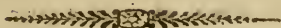
Judgment for the defendants.

And the said Richard Hands and John Newman, because that they, sufficient matter in law to preclude the said Jasper, who as well for the said lady the queen, as for himself in this behalf prosecutes, from having and maintaining against them * information aforesaid, for the said lady the queen, and for himself, and also to discharge them the said R. and J. of the premisses in the information aforesaid contained, above by pleading have alledged which they are ready to verify, and which matter the said Jasper, who, &c. for the said lady the queen, as for himself, doth not deny, nor to the same in any wise answer, but that averment to admit altogether hath refused, as before pray judgment, and that they discharged of the premisses, by the court here may be dismissed. And because that the justices here will advise themselves of and concerning the premisses, before that they give judgment thereupon, day is given to the parties aforesaid, here until the Friday next after the morrow of the Holy Trinity, to hear their judgment thereupon, because that the said justices here thereof, not as yet, &c. At which day come as well the said Jasper, who, &c. as the said R. H. and J. N. by their attornies aforesaid, and because the justices here will advise themselves further of and concerning the premisses, before that they give judgment thereupon, day is further given to the parties here, until the Saturday next after the octave of St. Michael, to hear their judgment thereupon, because that the said justices here thereof not as yet, &c. At which day here come as well the said Jasper, who, &c. as the said Richard Hands and John Newman by their attornies aforesaid, and thereupon the premisses being seen, and by the justices here fully understood, it seems to the said justices here that the said plea of the said R. and J. above in bar to the information aforesaid pleaded, is sufficient in law to preclude the said Jasper from having and maintaining his information aforesaid, for the said lady the queen, and for himself, as the said R. and J. above have alledged. Therefore it is considered that the said Jasper take nothing by his information aforesaid, but for his false plaint be in mercy, and that the said R. and J. may go thence without day, &c. also it is considered that the said R. and J. recover against the said Jasper, ninety shillings for their costs and charges in that behalf sustained, according to the form of the statute, &c. by the court here adjudged, &c.

This case is reported Croke Eliz. 264. *Vide* Cr. El. 335. Cr. Ch. 286. Pop. 173. 2 Cro. 103. Sir William Jones 307.

Indictments

Indictments for Forgery.



Indictments for Forgery.

The King against Rutter.

Hilary, the 24th and 25th of Charles II.

Devon, } **T**O be informed, that Edward Rutter, late of *Information*
To wit. } Cherwell, in the county of Devon aforesaid, for forging
gentleman, in the 23d year of the reign of the lord Charles a writ of
the 2d, king, &c. at Cherwell, in the county of Devon afore- latitat, and
said, a certain writing in parchment, supposed to be a writ to the delivering
of the said lord the " king, in the form of a writ of the "P. 128.
said lord the king, out of the court of the said lord the king, sheriff, to
before the king himself issuing, and to the sheriff of Devon di- be execu-
rected, knowingly, falsely and fraudulently did write and coun- ted.
terfeit, or did cause to be written and counterfeited, the tenor, *1st Count,*
of which writing follows in these words, "*Charles the 2d, by forging."*
the grace of God, of England, Scotland, France and Ireland,
king, defender of the faith, &c. to the sheriff of Devon, greeting,
whereas we lately commanded our sheriff of Middlesex, that he
should take John Chauncey, Samuel Corbett, — Jeffreys, and
— Cussans, widow, if they might be found in his bailiwick, and
them safely keep, so that he should have their bodies before us, at
Westminster, on the Monday next after fifteen days of Easter, to
answer to Edward Rutter, esquire, of a plea of trespass, and also
to a bill of the said Edward, against the said John Chauncey for
80*l.* against the said S. for 150*l.* and against the said Jeffreys, ac-
cording to the custom of our court before us to be exhibited, and our said
sheriff of Middlesex at that day returned to us, that the said J. C. —
Jeffreys and Cussans are not found in his bailiwick, whereupon on be-
half of the said E. in our court before us it is sufficiently attested, that the
said J. C. — Jeffreys and — Cussans, run up and down, and secrete
themselves in your county; therefore we command you that you take
them if they may be found in your bailiwick, and them safely keep,
so that you may have their bodies before us at Westminster, on Mon-
day next after fifteen days of the Holy Trinity, to answer to the said
Edward

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Edward of the plea and bill aforesaid, and have there then this writ, witness Matthew Hale, kn. at Westminster the 5th day of June, in the 23d year of our reign. Henly." And that the said Edward Rutter afterwards, to wit, on the said 5th day of June, in the 23d year aforesaid, at Cherwell aforesaid, in the county aforesaid, knowing the writing aforesaid, to be a false and forged writing, and by him according to the form of a writ issuing out of the court of the said lord the king, before the king himself, falsely and fraudulently written and counterfeited, the said writing as a true writ issuing out of the court of the said lord the king, before the king himself, did publish, and then to the sheriff of Devon aforesaid, did cause to be delivered, in contempt of the said lord the now king, and of his said court, to the damage of his people, to the abuse and manifest subversion of his laws, to the great damage and injury of the said J. C. to the evil and pernicious example, &c. and against the peace, &c. whereupon the said coroner and attorney, &c.

The King against Champion.

Michaelmas, 35th Charles II.

Information for forging and publishing a writ or fieri facias. *Cornwall,* } **T**O be informed, that Peter Champion, of Colombe, in the county of Cornwall, gentlemen, being a person of depraved and wicked mind, on the 20th day of May, in the 34th year, &c. with force and arms, &c. at St. Collombe aforesaid, of his own proper imagination, a certain false, feigned, forged and counterfeited writing, in the form of a writ of the said lord the king of * fieri facias out of the court here, issuing under the seal of the said court, bearing date at Westminster, the 13th day of February, in the 34th year, &c. aforesaid, and to the sheriff of the county of Cornwall directed, that he should cause to be made of the goods and chattels of T. Halse, in the bailiwick of the said sheriff, one hundred pounds, which John Cowling in the court here recovered against the said T. H. for debt, as also fifty shillings, which he sustained as well by the occasion of the detention of that debt, as for his costs and charges by him about the said suit in that behalf expended; and that he should have that money before the said lord the king here, on the Monday next after the morrow of the Ascension of our Lord, in the year aforesaid,

*P. 129.

1st Count.

"forging."

Indictments for Forgery.

said, to render to the said J. C. for the debt and damages aforesaid, falsely, unlawfully, knowingly, subtly, fraudulently and deceitfully did make, compose and write, and did cause to be made, composed and written, the tenor of which false, feigned, counterfeit and forged writing follows, to wit, " Charles the 2d, by the grace of God of England, Scotland, France and Ireland, king, defender of the faith, &c. to the sheriff of Cornwall greeting, we command you that of the goods and chattels of Thomas Halse in your bailiwick, you cause to be made, one hundred pounds which John Cowling in our court before us at Westminster, recovered against him for debt, and also fifty shillings, which to the said J. C. lately in our said court before us were adjudged, for his damages which he sustained, as well by the occasion of the detention of that debt as for his costs and charges by him about that suit in that behalf expended, whereof he is convicted as appears to us of record, and have that money before us at Westminster, on the Monday next after the morrow of the Ascension of our Lord, to render to the said J. C. for his debt and damages aforesaid, and have there then this writ, witness E. Pemberton, kn^t." at Westminster, in the 34th year of our 2d Count^y, 20th day of May, in the 34th year aforesaid, at St. Collombe aforesaid, in the county aforesaid, the said false, feigned, counterfeit and forged writing, so as aforesaid by him made, composed, written and forged, and caused to be made, composed, written and forged, as a true writ of the lord the king of fieri facias, issuing lawfully out of the court here, falsely, unlawfully, knowingly, deceitfully, subtly and fraudulently did publish, and did cause to be published, (the said Peter Champion then and there well-knowing the writing aforesaid to be false, feigned, forged and counterfeit) to the great deceit of the court here, in contempt of the said lord the now king and of his laws, and against the peace, &c. whereupon the said coroner and attorney, &c.

The King against Ferrers.

Trinity, 17th Charles 2d.

To wit. } **T**HAT Henry Ferrers, late of Budderly Clin-Indictment
ton, in the county of Warwick, esquire, on for forging
the 30th day of March, in the 8th year, &c. was indebted to an acquit-
one Julius Billers, of the city of Coventry, in the county of name of
U 2 the the servant

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***P. 130.** the said city merchant, in the sum of seven * pounds of the lawful money of England, for divers merchandizes by him the said Julius Billers to the said H. F. then before sold and delivered, and that the said H. F. afterwards to wit, on the 30th day of April, in the 8th year, &c. aforesaid, at the city of Coventry aforesaid, in the county of the said city, falsely, subtilly and deceitfully. devising and intending the said I. B. of the said sum of seven pounds to deceive and defraud on the said 30th day of April, at the city of Coventry aforesaid, falsely, knowingly, subtilly, fraudulently and deceitfully, a certain writing in the form of an acquittance, in the name of William Suell, the servant of the said I. B. did make, forge and counterfeit, supposing and purporting by the said writing, that the said William Suell the servant of the said I. B. had, had and received from the said H. F. the said sum of seven pounds for the use of the said I. B. and him the said H. F. of the said sum had acquitted and discharged. And the jurors aforesaid upon their oath aforesaid further say, that the said H. F. afterwards to wit, on the 1st day of May, in the 8th year aforesaid, at the city of C. aforesaid, falsely, knowingly, subtilly and deceitfully did publish the said false and counterfeit writing, so by him the said H. F. in the manner and form aforesaid, falsely, knowingly, subtilly and deceitfully made and forged, as the true writing of acquittance of the said William Suell then servant of the said I. B. whereas in truth the said William Suell never had or received the said sum of seven pounds of the said H. F. and whereas in truth the said William Suell never made or gave any acquittance to the said H. F. for the said sum of seven pounds, to the great damage of the said I. B. in contempt of the laws of this kingdom of England, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the king, his crown and dignity.

The defendant was found guilty, and fined one hundred pounds. reported Sid. 278.

King against Newman.

An information against a man, for raising and expunging

To wit. **T**HAT within the manor of Penryn, in the county of Cornwall, there is and from the time whereof, the memory of man is not to the contrary, there was a certain

Indictments for Forgery.

certain court of the lord the king, of record held at the manor
 aforesaid, before the steward of the said manor, for the time ^{out of the}
 being, from three weeks to three weeks, for all actions perso- ^{book of a}
 nal arising within the said manor, and that in the said court ^{steward of}
 there is and for the whole time aforesaid, there was a certain ^{a court of}
 book, called the steward's book, kept within the court afore- ^{record, a}
 said, in which book all actions and complaints in the said court ^{plaint there}
 levied, and the process, appearance, judgment and execution ^{entered, and}
 thereupon for the whole time aforesaid, were entered and have ^{for forging}
 been accustomed to be entered, and that at the said court of ^{another}
 of the said lord the king, held at Capell St. Leonard, within ^{plaint a-}
 the manor aforesaid, and within the jurisdiction of the said ^{gainst the}
 court, before James Robins, gent. steward, of the court of the ^{same person}
 manor aforesaid, judge of the said court, on the 18th day of ^{and process,}
 October, in the 12th year of the reign of the lord Charles the ^{and pro-}
 2d, by the grace of God of * England, &c. king, &c. came * ^{ceedings}
 one Philip Lillicrapp, and then in the said court levied his ^{thereupon.}
 certain plaint against one Robert Newcoll in a plea of trespass
 upon the case. And that upon that plaint the said Robert
 Newcoll by process in the due manner, issuing out of the said
 court was arrested, which plaint and process thereupon in the
 said book called the steward's book, according to the custom
 aforesaid, was entered in these words following to wit, "*Peter*
Lillicrapp plaintiff, against Robert Newcoll, in a plea of trespass
upon the case, arrested by John Cooke, and delivered on the bail of
George Jewel." And that one John Newman of Penryn in the
 county of Cornwall aforesaid, gentleman, after the entry of the
 plaint aforesaid, and the process thereupon made, to wit, on
 the 1st day of May, in the 12th year, &c. at Glasney, in the
 county aforesaid, falsely, unlawfully and deceitfully contriving
 and intending the said Robert Newcoll in his personal estate,
 greatly to impoverish, and him the said R. to distress and op-
 press, the entry of the plaint aforesaid, and the process there-
 upon so as aforesaid, in the said book called the steward's
 book entered, falsely, unlawfully, fraudulently and deceitfully
 then and there did erase, expunge and entirely obliterate, and
 the said John afterwards to wit, on the day and year last afore-
 said, at Glasney aforesaid, in the county aforesaid, in the said
 book called the steward's book, in another folio of the said
 book, (in which other folio, plaints in the court aforesaid, held
 on the 26th day of September, in the 12th year of the reign
 of the said lord the now king aforesaid, levied, and process
 thereupon were entered) falsely, unlawfully, fraudulently and
 deceitfully did forge, write, enter and insert, and did cause to
 be forged, written, entered and inserted, in the usual manner
 and form of the entry of plaints, process and judgment there-
 upon, these words and figures following to wit, *Peter Lillicrapp*
plaintiff, against Robert Newcoll, in a plea of trespass upon the
case, and capias awarded on the 18th of October 1660; defendant

* P. 131.

Indiciments for Forgery.

was arrested by John Cook, and delivered on the bail of George Jewel, and declaration, and called for default of appearance, and writ of damages, with subpoena by Tonken, the 10th of January, another writ of damages, 31st January 1660, damages assessed at 10l. 3s. 4d. and 3s. 4d. for costs, whereupon judgment and execution against defendant and bail for 12l. 2s. 4d." which words and figures so forged, written, entered and inserted in the said other folio of the book aforesaid, according to the custom of the said court used from the whole time aforesaid, evidently and manifestly remain as evidence, that another plaint was levied by the said Peter Lillicrapp against the said Robert Newcoll, in the said court of the lord the king of record, of a plea of trespass on the case, on the said 20th day of September, in the 12th year, &c. and that the said R. by the process of that court was taken and arrested, and that the said R. in the said court had found the said G. J. his mainpennor, and that upon the said plaint in the said court it was in such manner proceeded, that the said P. in the said court of the said lord the king of record, by the custom of the said court had recovered against the said R. his damages to the said sum of 10l. 3s. 4d. and 3s. 4d. for his costs. And thereupon in the said court, execution out of the said court did issue against the * said R. and his mainpennor aforesaid, for 12l. 2s. 4d. whereas in truth, any such plaint, as by the said J. N. as aforesaid was entered, by the said Peter in the said court of record, never was levied, nor did any process out of the said court thereupon ever lawfully issue, nor did the said Robert ever find the said Jewel his mainpennor on the said plaint; and whereas in truth, the said Peter in the said court of the said lord the king of record, by the custom of the said court never did recover, against the said R. his damages to the said sum of 10l. 3s. 4d. and to 3s. 4d. for his costs, to the great damage, vexation, impoverishment and ruin of the said R. N. to the evil example, &c. and against the peace, &c. whereupon, &c.

*P. 132.

The King against Wordell.

Michaelmas, 30th Charles II.

As Information on the statute for forging and publishing a

To wit. } **T**HAT whereas one Samuel Kirke, citizen and saddler of London, in the term of St. Hilary, in the 35th year, &c. in the court of the said lord the king, before the king himself, then being at Westminster, in the county

Indictments for Forgery.

county of Middlesex, by the judgment of the said court had recovered against John Wordell, late of Tottenham High-Cross, in the county of Middlesex, maltster, 34ol. for his damages, which he had sustained as well by occasion of a certain trespass upon the case, to the said S. by the said J. W. then late before done, as for his costs and charges by him; about that suit in that behalf expended, by the said court to the said Samuel adjudged; whereof he J. W. is convicted, as by the record of the judgment aforesaid, in the said court remaining manifestly appears, and that he the said J. W. being a person of dishonest disposition, and falsely, subtilly and deceitfully devising and intending by art, deceit, fraud and subtilly to deceive and defraud the said S. K. of the said sum of money in the form aforesaid recovered, he the said J. W. after the judgment aforesaid obtained, to wit, on the 8th day of February, in the 36th year, &c. at London aforesaid, to wit, at the parish of the blessed Mary of the arches, in the ward of Cheap, London, of his own proper head and imagination, knowingly, subtilly, falsely and deceitfully did forge and counterfeit, and did cause to be forged and counterfeited, a certain writing, sealed, subscribed with the name of the said Samuel Kirke, in which writing it is recited, contained and supposed, that the said S. K. in the term of St. Hilary, in the 34th and 35th years, &c. had obtained in the court of the said lord the king, before the king himself at Westminster, one verdict and judgment thereupon, against the said J. W. for 34ol. for his damages, costs and charges, and that for and in consideration of the sum of fifty pounds of the lawful money of England, to the said S. K. by the said J. W. paid, he the said S. K. by the * said writing did declare, that he was fully and absolutely satisfied of and for all and every sum and sums of money to the said S. due, by or upon the judgment aforesaid, and that the said Samuel Kirke had authorized Godfrey Woodward, Edward Shaller and Charelton Beaumont, gentlemen, attornies of the court of the said lord the king, before the king himself, to acknowledge satisfaction upon the record of the said judgment. And that the said J. W. afterwards to wit, on the 10th day of February, in the 36th year, &c. aforesaid, at London aforesaid, to wit, at the parish of the blessed Mary of the arches, in the ward of Cheap aforesaid, knowingly, subtilly and falsely did publish the said false, counterfeit and forged writing sealed, and with the name of the said S. K. thereto subscribed, so as aforesaid by him the said J. W. in the manner and form aforesaid, falsely, knowingly, subtilly and deceitfully counterfeited and forged, and caused to be made and forged, as the true deed of the said S. K. by him sealed and subscribed, whereas in truth and in fact, the said J. W. never paid to the said S. the said fifty pounds, or one penny thereof, and whereas in truth and in fact the said writing was not nor is the deed of the said S. K.

but

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but by the said I. W. falsely, knowingly and subtilly, counterfeited and forged, craftily and subtilly to deceive and defraud the said S. K. of the money aforesaid, upon the judgment aforesaid, in the form aforesaid recovered, and to discharge and acquit the said J. W. from the payment and satisfaction of the money aforesaid, to the great damage of the said S. K. in manifest contempt of the laws of this kingdom of England, to the evil example, &c. and against the peace, &c. and against the form of the statute in such case made and provided; whereupon the said coroner and attorney of the said lord the king, for the said lord the king prays the consideration of the court here in the premisses, and the due process of law against the said J. W. in this behalf to be awarded, to make him to answer to the said lord the king of and concerning the premisses, &c. whereupon the sheriffs of the city of London aforesaid, are commanded that they cause him to come to answer, &c. And now to wit, on the Thursday next after three weeks of St. Michael, in this same term, before the lord king at Westminster, comes the said John Wordell, by Benedict Brown his attorney, and having heard the information aforesaid, saith, that he is not guilty thereof, and of this he puts himself upon the country, and the said Samuel Astrey, knt. coroner and attorney of the said lord the king, in the court of the said lord the king, before the king himself, who for the said lord the king in this behalf prosecutes, doth the like, &c. therefore let a jury come thereupon, before the said lord the king, on the octave of St. Martin, wheresoever, &c. by whom, &c. and at who neither, &c. to recognize, &c. because as well, &c. the same day is given as well to the said Samuel Astrey, knt. who prosecutes, &c. at which octave of St. Martin, before the said lord the king at Westminster, come as well the said Samuel Astrey, knt. who prosecutes, &c. as the said J. W. by his attorney aforesaid, and the sheriffs of the city of London aforesaid, return the names of twelve jurors of whom none, &c. therefore the sheriffs of the city of London aforesaid, are commanded that they distrain them by all their lands, &c. and that of the issues, &c. and that they have their bodies before the said lord the king, at the octave of St. Hilary, wheresoever, &c. or before the beloved and faithful of the said lord the king, George Jeffreys, knt. and baronet, chief justice of the said lord the king, assigned to hold pleas before the king himself, if first on Monday the 1st day of December, he shall come to the Guild-hall of the city of London aforesaid, by the form of the statute, &c. for default of jurors, &c. therefore let the sheriffs have their bodies, &c. to recognize in the form aforesaid, &c. the same day is given as well to the said Samuel Astrey, knt. who prosecutes, &c. as to the said J. W. &c. at which octave of St. Hilary, before the lord the king at Westminster, come as well the said Samuel Astrey, knt. who prosecutes,

Venire
awarded.

Not guilty
pleaded.

Venire fa-
cias jur'
awarded.

Distringas
awarded.

*P. 134.

Indictments for Forgery.

prosecutes, &c. as the said J. W. by his attorney aforesaid. And the said chief justice before whom, &c. hath sent here his record before him had in these words. Afterwards, on the day ^{Postea.} and place within mentioned, before the within named George Jeffreys, knt. and bart. the within mentioned chief justice of the said lord the king, S. Gee, gent. being associated to him by the form of the statute, &c. come as well the within named Samuel Astry, knt. who prosecutes, &c. as the within named J. W. by his attorney within mentioned; and the jurors of the said jury whereof mention is within made, being called, certain of them to wit, T. H. J. W. &c. come, and are sworn upon that jury, and because the rest of the jurors of that jury do not appear, therefore others of the bye-standers chosen for ^{Tales.} this purpose, by the sheriffs of the city of London, at the request of the attorney-general of the said lord the now king, and by the command of the said chief Justice, are anew appointed, whose names are assiled in the panel within written, according to the form of the statute, in such case made and provided, which jurors so anew appointed, to wit, P. G. L. B. &c. come, and are sworn upon that jury; and thereupon ^{Proclama-} publish proclamation for our lord the king being made as the ^{tion.} custom is, that if there was any one who could inform the said chief justice or the serjeant at law of the said lord the king, or the attorney-general of the said lord the king, or the jurors aforesaid of the matter within contained, he should come and should be heard, and thereupon Thomas Jones, esquire, one of the counsel of the said lord the king, on behalf of the said lord the king, offers himself to do this, whereupon the court here proceeded to the taking of the jury aforesaid, as well by the jurors aforesaid first impanelled, as by the other jurors aforesaid now appearing, who elected, tried and sworn to speak the truth of and concerning the matters within contained, say upon their oath, that the said J. W. is guilty of ^{Verdict} the premisses in the information, in the within written record ^{Guilty.} specified, in the manner and form as by the information aforesaid within is supposed against him, whereupon all and singular the premisses being seen, and by the court here fully understood, it is considered, that the said J. W. pay to the said S. K. the ^{Judgment} party aggrieved, the sum of 300l. being double the costs and ^{to pay the} party griev. charges expended and sustained, by reason of the forgery aforesaid, and that the said J. W. is committed to the marshal of ^{cost,} to this court in execution, until he pays the sum aforesaid, and ^{stand in the} that the said J. W. shall stand in and upon the pillory, at the ^{pillory, and} Royal Exchange, at Cornhill, London, on the Thursday next ^{have one} after three weeks of Easter next coming, between the eleventh and to be ^{ear cut off,} hour before mid-day, and the second hour after mid-day of the ^{imprisoned} said day, for the space of one hour, and that one of his ears ^{for one year} then and there shall be cut off by the common executioner of ^{without} the city of London, and that the marshal of this court shall de- ^{bail or} mainprize. ^{liver}

Indictments for Forgery.

*P. 135. liver the said J. W. to the sheriffs of London, to execute the judgment aforesaid, and that after the execution of the judgment aforesaid, the sheriffs of London shall redeliver the *said J. W. to the said marshal of this court safely to be kept for the space of one year, without bail or mainprize, and that the said John Wordell is committed, &c.

The King *against* Ivy.

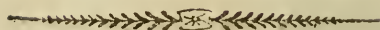
Trinity, 36th Charles II. Roll 48.

Information against dame Theo- dosa Ivy, for forging and pub- lishing two indentures. 1st Count, forging. 2d Count, publishing. 3d Count, forging.	To wit, } THAT Theodosia Bryan, of &c. otherwise called Dame Theodosia Ivy, of, &c. widow, on the day and year, &c. with force and arms, &c. at Westminster in the county of Middlesex, of her own proper head and imagi- nation, subtilly, falsely and fraudulently did make and forge, and did cause to be made and forged, a certain false deed, con- taining the matter following to wit, "<i>this indenture made the 12th day of November, in the 2d and 3d year of the reign of our lord and lady Philip and Mary, by the grace of God, king and queen of England, Spain, France and Ireland, defenders of the faith, arch-dukes of Austria, dukes of Burgundy, Milan and Bra- bant, counts of Flanders, Habsburgh and Tyrol, between Marcellus Hall, of Radcliffe, miller, on the one part, and Richard Roper, citizen and salter of London, of the other part, witnesseth, &c.</i>" as by the said false and counterfeit deed more fully appears; and that the said Theodosia Bryan, otherwise called Dame T. Ivy, afterwards to wit, on the day and year, &c. at, &c. know- ingly, subtilly and falsely the said false and forged deed did publish, and did cause to be published, as the true deed of the said Marcellus Hall, sealed and delivered by the said M. H. whereas in truth, the said T. B. otherwise called Dame T. I. then and there well did know and understand the said deed, to be false, forged and counterfeit, and that it was not the deed of the said M. H. nor by him sealed and delivered; and further the said coroner and attorney of the said lord the king, for the said lord the king gives the court here to understand and to be informed, that the said T. B. otherwise, &c. &c. afterwards to wit, on the day and year, &c. aforesaid, with force and arms, &c. of her own proper head and imagination, knowingly, subtilly, falsely and fraudulently did make and forge, and did cause to be made and forged, a certain other false deed, containing
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Indictments for Forgery.

containing the matter following, to wit, "*This indenture made, &c. &c.*" as by the said last mentioned false and counterfeit deed, more fully appears; and the said T. B. otherwise, &c. ^{4th Count,} &c. Afterwards to wit, on the day and year aforesaid, &c. at, publishing, &c. knowingly, subtilly and falsely the said false and forged deed last mentioned, did publish, and did cause to be published as the true deed of the said M. H. sealed and delivered by the said M. H. whereas in truth, the said T. B. otherwise, &c. then and there did well know and understand that the said last mentioned deed was false, forged and counterfeit, and that it was not the deed of the said M. H. nor by him sealed and delivered, to the great damage of the said G. B. in contempt of the said lord the now king, and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. &c.

Indictments for Perjury.



*P. 136. * *Indictments, 1. for Perjury. 2. for Subornation of Perjury.*

The King against Crofs.

Hilary, 25 and 26 Charles the 2d.

Information against a clerk of a market, for perjury, in giving evidence on the trial of an Information for buying of malt by unlawful measure. *Middlesex,* } **T**O be informed, that in the term of Easter, in the 25th year of the reign of our lord Charles the 2d, by the Grace of God, of England, Scotland, France, and Ireland, king, defender of the faith, &c. in the court of the said lord the king, before the king himself, (the said court being then held at Westminster, in the county of Middlesex) he, the said Heneage Finch, knt. and baronet, then, and yet, attorney-general of our said lord the king, who for our said lord the king then prosecuted, in his proper person came there into the court of the said lord the king, before the king himself at Westminster, and then and there gave the said court to understand, and to be informed, that Thomas Bide, of the parish of St. Leonard Shoreditch, in the county aforesaid, knt. and John Foster of the same, esquire, between the 26th day of March, in the 25th year of the reign of our lord Charles, &c. and the day of the exhibition of the said information, at the parish aforesaid, in the county aforesaid, unlawfully and unjustly bought and each of them bought, and by bargain into the hands of them the said T. B. and J. F. acquired, by a measure not sealed, nor agreeing with the standard, or measure called the standard, marked in the Exchequer of the said lord the king, called Winchester measure, containing eight gallons, to wit, by a certain measure called a Vat, containing sixty and four gallons at the least, and by other unlawful measures two thousand quarters of unground malt, every quarter thereof of the value of twenty shillings, to the great deceit of the subjects of the said lord the now king, and against the peace of the said lord the now king, his crown and dignity, &c. and also against the statute in such case made and provided; with this, that the said attorney-general of the said lord the now king, for the said lord the now king,

Indictments for Perjury.

king, would verify, that malt, at the time of the offence aforesaid committed, and also from the whole time whereof the memory of man is not to the contrary, was usually sold by the bushel, as well at the parish aforesaid, as in all the rest of this kingdom of England, whereupon the said attorney-general of the said lord the now king, for the said lord the now king, then prayed the consideration of the court in the premisses, and the due process of law to be awarded against them, the said T. B. and J. F. in that behalf, to make them to answer, &c. whereupon the sheriff of the county aforesaid, was commanded, that he should not omit, &c. but should cause them to come to answer, &c. And afterwards, to wit, on the Friday next after the morrow of the Holy Trinity, in the 25th year of the reign of the said * lord the now king, &c. aforesaid, before the said lord *P. 137 the king, at Westminster came the said Thomas Bide, knt. and John Foster, esq; by Jasper Waterhouse, their attorney, and having heard the information aforesaid, said that they were not guilty thereof, and of that then put themselves upon the Country; and the said Heneage Finch, knt. and baronet, attorney-general of the said lord the now king, who for the said lord the now king in that behalf prosecuted, did the like, &c. in which cause it was in such manner proceeded, that afterwards, to wit, on the Thursday next after the end of the said term of the Holy Trinity, to wit, on the 19th day of June, in the 25th year, &c. aforesaid, at Westminster aforesaid, in the county aforesaid, the issue aforesaid, so as aforesaid joined, before Matthew Hale, knt. chief justice of the said lord the king assigned to hold pleas before the king himself, by the due course of law, was tried by a certain jury of the country, upon which trial of the issue aforesaid, so as aforesaid joined, by the jurors of the said jury, before the said Matthew Hale, kt. then and as yet chief justice of the said lord the king, assigned to hold pleas before the king himself, on the said Thursday, the 19th day of June, in the 25th year, &c. aforesaid, at Westminster aforesaid, in the said county of Middlesex, one William Cross the elder, of the parish of Ware, in the county of Hertford, gentleman, was produced as a witness on the behalf of the said T. B. and J. F. defendants in the cause aforesaid, and then and there was sworn upon the Holy Gospel of God, to speak the truth, the whole Oath truth, and nothing but the truth, of and concerning the premisses aforesaid, so as aforesaid put in issue to the jurors of the jury aforesaid, sworn to try the issue aforesaid. And the said William Cross the elder, then and there before the said chief justice of the said lord the king falsely, wilfully and corruptly did say, depose, swear, and give in evidence upon his oath, to the jury aforesaid, to try the issue aforesaid, so as aforesaid joined,—“*That he was clerk of the market of the town of Ware, Perjury. in the county of Hertford, and that all corn bushels at Ware, (meaning the town of Ware in the county of Hertford) and belonging*

Indictments for Perjury.

to the town of Ware, during the space of one year, and the half of one year before that time (meaning the said 19th day of June, in the 25th year, &c. aforesaid) in the presence of him the said William Cross the elder, were cut, and truly sized and gaged, and that the bushels aforesaid (meaning the bushels within the town of Ware in the county of Hertford) then (meaning the said 19th day of June, in the 25th year, &c. aforesaid) were agreeable to the Standard in the Exchequer of the said lord the king, called Winchester measure; whereas in truth and in fact the corn bushels at Ware in the co. of Hertford, during the space of one year and the half of one year before the trial aforesaid, or during at any space of that time, in the presence of him the said W.C. the elder, were not cut, nor truly sized and gaged; and whereas in truth and in fact the bushels aforesaid, on the said 19th day of June, in the 25th year aforesaid, were not agreeable to the standard in the Exchequer of the said lord the king, called Winchester measure. And so the said W. C. the elder, on the said 19th day of June, in the 25th year, &c. aforesaid, at Westminster aforesaid, in the said * co. of Middlesex, before the said chief justice of the said lord the king, assigned to hold pleas before the king himself, in the cause aforesaid, by his own proper act and consent, falsely, wilfully, and corruptly did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. Whereupon the said attorney-general of the said lord the now king, prays the consideration of the court here in the premises, and that due process of law may be awarded against him, the said W. C. the elder, to make him to answer, &c. Whereupon the sheriff of the county aforesaid is commanded that he do not omit, &c. but that he cause him to come to answer, &c. And now, to wit, on the Friday next after the Octave of St. Hilary, in this same term, before the lord the king, at Westminster, comes the said William Cross the elder, by Jasper Waterhouse his attorney, and having heard the information aforesaid, saith, that he is not guilty thereof, and of this puts himself upon his country. And Francis North, knt. attorney-general of the lord the now king, who for the said lord the now king in this behalf prosecutes doth the like, &c. therefore let a jury come thereupon, before the said lord the king, at the Octave of the Purification of the blessed Virgin Mary, wherefoever, &c. who neither, &c. to recognize, &c. because as well, &c. the same day is given as well to the said Francis North knt. who prosecutes, &c. as to the said William Cross the elder, &c. At which Octave of the Purification of the blessed Virgin Mary, before the said lord the king at Westminster come as well the said Francis North, knt. who prosecutes, &c. as the said William Cross the elder, by his attorney aforesaid, and the sheriff returns the names of twelve jurors, of whom none, &c.

Whereupon

Assign-
ments of
Perjury.

Conclusion.

*P. 138.

Process
prayed.

Venire to
answer.

Not guilty.

Venire.

Distringas.

Indictments for Perjury.

Whereupon the sheriff of the county aforesaid is commanded that he do not omit, &c. but that he distrain them by all their lands, &c. and that of the issues, &c. and that he have their bodies before the said lord the king, from the day of Easter in 15 days, wheresoever, &c. or before the beloved and faithful of the lord the king, Matthew Hale, knt. chief justice of the said lord the king, assigned to hold pleas before the king himself, if he shall first come on the Friday next after the end of this term, at Westminster, into the great hall of the pleas there, according to the form of the statute, &c. for default of the jurors, &c. therefore let the sheriff have the bodies, &c. to recognize in the form aforesaid, &c. the same day is given as well to the said Francis North, knt. who prosecutes, &c. as to the said William Cross the elder, &c.

The King *against* Jole, and others.

To wit. } **T**O be informed that in the term of Easter, in the 24th year of the reign of our lord Charles the 2d, king of England, &c. in the court of the said lord the king, before the king himself, at Westminster, in the county of Middlesex, he the said Thomas Fanshaw, kt. then and as yet coroner and attorney of the said lord the now king, before the king himself, brought here into the court of the said lord the now king, before the king himself, then there, a certain information against R. P. late of Jacobstowe, in the county of Cornwall, gent. and by the said information then and there gave the * court here to understand and to be informed, that in the term of St. Michael, in the 23d year of the reign of our lord Charles the 2d, the now king, &c. a certain complaint was exhibited before the justices of the court of our lord the king, of the bench at Westminster, against one of the justices of the court of Common Pleas, Robert Pearce, then being one of the attornies of the said court among other things, for maliciously prosecuting an outlawry against one William Strout, and one Thomas Treve-thick, whereby the said William had sustained much damage and expence, and for the taking of a certain bill, from one Thomas Strout and his brother, sons of the said William Strout, for the payment of 5l.; whereupon the said Robert Pearce, late of Jacobstowe, in the county of Cornwall, gent. by

Indictments for Perjury.

Perjury in
the recited
information

by the name of Robert Pearce, gent. on the 30th day of May, in the 23d year of the reign of our lord Charles the 2d, of England, &c. king, &c. and the year of our Lord 1671, at Westminster, in the county of Middlesex, in his proper person came before Thomas Tyrrel, knight, then one of the justices of the said lord the king of the bench, and then and there took his corporal oath upon the Holy Gospel of God, before the said Thomas Tyrrel, (he the said Thomas Tyrrel then and there having sufficient power and authority to administer the said oath to the said Robert Pearce :) and that the said Robert Pearce upon his oath aforesaid, then and there before the said Thomas Tyrrel by his own proper act and consent, falsely, wilfully and corruptly upon his corporal oath, deposed and swore in writing as follows, to wit, "*Robert Pearce, gent. one of the attorneys of the court of Common Pleas, maketh oath that he being about 17 years since retained by one Thomas Trevethick and William Strout, to prosecute and defend divers suits in law for them, in the beginning of March 1658, as this deponent findeth by his books of account, he did deliver them bills of costs, and on the 29th of the same month, being then 1659, there were all accounts perfected between them, and the said Trevethick and Strout became bound to this deponent in one penal bill of 40*l.* for the payment of 20*l.* and upwards, at a certain day afterwards; and the said Strout, the same time or a little before, became bound to the said deponent in two other bills, which were forfeited about twelve months after, and are still in force, and this deponent being kept out of his money upwards of four years, in Trinity and Michaelmas term 1660, did sue forth an original capias alias and pluries against the said Trevethick and Strout, upon one of his said bills, and the said obligors then keeping house, or so absenting themselves that they could not be arrested, this deponent did run the same to the exigent, and in Easter 1661, as he finds by his books, they were outlawed, and in Trinity vacation then following, upon a special capias utlagatum, there was an inquisition taken and certified into the Exchequer, but this deponent did never stir or move in it afterwards; and this deponent further saith, that he had not one penny of the said money, of the said Trevethick or Strout, but confesseth that one Mr. Christopher Leach, on the 23d day of October 1662, did pay unto this deponent the most part of the money mentioned*

*P. 140. *in the said first bill, and did then give his own bill for 3*l.* residue of the said money, which is as yet not satisfied, as by the same doth appear, but how the name of Robert in some of the offices was made William this deponent knoweth not, and this deponent likewise saith, that at the time the said Mr. Leach paid him part of the said money, he gave him a note to one Mr. Franklyn, in the outlawry-office, that he should consent to the reversal of the outlawry, and advised the said Mr. Leach to discharge the said seizure, otherwise it would come forth in charge for many years after; who replied, that he had received 5*l.* for the doing of it, to whom this deponent answered, he did believe it would cost 8*l.* and after that for five or six years it was*

still

Indictments for Perjury.

*All in charge, only the name and parish altered, and thereupon the sheriff did forbear to levy any money, until about the 15th of October 1668, the sheriff or his bailiff having taken their goods, it was agreed on between the bailiff and Strout, that there should be a bond given to the sheriff's use, to discharge him, and thereupon this deponent two or three days after the taking of the said goods, upon the request of the bailiffs and Strout, went into an house where they were making strict enquiry for the under sheriff's clerk's name, whose christian name this deponent could not certainly tell; and then they often and sundry times desired that the bond might be in his name, and that they should speedily bring money for to procure a discharge for the sheriff, and take off the seizure, but this deponent utterly refused to take any bill in his name, but promised if they should find money sufficient to take off the security, and so left them; and after this deponent was gone out within one hour after, the bailiff took a bill, in his this deponents name, for 5*l.* to be paid the 21st day of December following, and about six weeks after that time, John Strout came to the deponent's house, and brought 10*s.* for this deponent's man, to search how things stood, and discharge the sheriff, which he accordingly did, by retaining Mr. Bernard, and giving him five shillings and other money to his clerk; and the sheriff, as this deponent hath been informed, was by him discharged for the preceding year, and that if Strout had brought more money the seizure had been discharged; and this deponent doth utterly deny that he did at any time threaten or expect to have any part of their estate, only, before the money was paid, he doth not well remember, the said Strout and Trowthick keeping house, or absenting themselves for other debts, whether or no he did say he should take a lease out of the Exchequer; but since the payment of the said money, this deponent did never put them to any charge, neither did they suffer a penny damage, either by means of him, or any other by his this deponent's privity and procurement; and this deponent further saith, that he hath by himself and others, tendered the said bills of 5*l.* to the said John Strout, which he refused to take, Robert Pearce." As by the oath aforesaid, of the said Robert Pearce in writing remaining, of record, in the court of the said lord the king, of the bench at Westminster, in the county of Middlesex aforesaid, more fully appears, whereas in truth and in fact, the bailiffs aforesaid, did not take the bill ^{*P. 141.} aforesaid, in the oath aforesaid mentioned, for the payment of 5*l.* as aforesaid, in the name of the said R. P. after the departure of the said Robert from the house aforesaid, but he the said R. in his own proper name, in the house aforesaid, took the bill aforesaid. And whereas in truth and in fact, the said Robert Pearce threatened to have part of the estate of the said William Strout, and whereas in truth and in fact, after the payment of the said sum of money, (to wit, meaning the said sum of money, by the said Christopher Leach above as aforesaid, paid to the said Robert Pearce, on the 23d day of October, in the year of our Lord 1662) the said William Strout by the said*

Indictments for Perjury.

Robert did sustain many expences, and by the procurement or assent of the said Robert Pearce was damaged to the value of two hundred pounds and more. And so the said Robert Pearce on the 30th day of May, in the 23d year of the reign of the lord Charles the 2d, now king of England, &c. aforesaid, at Westminster aforesaid, in the said county of Middlesex, before the said Thomas Tyrrell, then one of the justices of the said lord the king, of the bench as aforesaid, then having sufficient power and authority to administer the oath aforesaid, to the said Robert Pearce, falsely, wilfully and corruptly, by his own proper act and consent, in the manner and form aforesaid, committed wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of the said lord the now king, and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon the said coroner and attorney of the said lord the king, for the said lord the king then prayed the consideration of the court here, in the premisses, and that due process of law should be awarded against the said Robert Pearce, to make him to answer to the said lord the king, of and concerning the premisses, &c. as by the information aforesaid, in the court of the said lord the king, before the king himself, here in the court remaining of record more fully appears; and further the said coroner and attorney of the said lord the king, gives the court here to understand and to be informed, that afterwards to wit, on the Wednesday next after three weeks of St. Michael, in the 24th year of the reign of the said lord the now king, before the said lord the king at Westminster, came the said Robert Pearce, by Jasper Waterhouse his attorney, and having heard the information aforesaid, said that he was not guilty thereof, and of that then put himself upon the country; and the said Thomas Farnham, knt. coroner and attorney of the said lord the king, in the court of the said lord the king, before the king himself, who for the said lord the king in that behalf prosecuted, did the like, &c. In which cause it was in suchwise proceeded in the court aforesaid, that the issue aforesaid, so as aforesaid joined afterwards to wit, on the Friday next after the octave of St. Martin, to wit, on Friday the 22d day of November, in the 24th year of the reign of the said lord the now king, before Matthew Hale, knt. chief justice of the said lord the king, assigned to hold pleas before the king himself, at Westminster, in the county of Middlesex, in the due manner was tried by a certain jury of the country thereon, in the cause aforesaid taken, upon which trial of the issue aforesaid, so as aforesaid joined, before the said chief justice last mentioned, one Thomas Jole of Launceston, in the county of Cornwall, carpenter, and John Baker, of Jacobstowe, in the

Indictments for Perjury.

of Jacobstowe afore said, carpenter, then and there were produced witnesses on the behalf of the said Robert Pearce defendant, in the cause afore said, and then and there before the said chief justice last mentioned, were sworn, and each and every of them was sworn upon the Holy Gospel of God, to speak the truth, the whole truth, and nothing but the truth, of and concerning the premisses, in the manner and form afore said, put in issue as afore said, and so being sworn, he the said Thomas Jole not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, then and there to wit, on the said 22d day of November, in the 24th year afore said, at Westminster afore said, in the said county of Middlesex, before the said chief justice upon his oath afore said, and upon the issue afore said, in the manner and form afore said joined, falsely, wilfully and corruptly did say depose, swear Perjury by and give in evidence to the jurors of the jury afore said, "*That Thomas John Strout and William Strout did deliver the writing obligatory for five pounds,* (meaning the writing obligatory in the information afore said mentioned) *to John Pearne, to the use of the under-sheriff,* (meaning to the use of John Littleton, then sub-sheriff of the county of Cornwall) *and that Mr. Pearce,* (meaning the said Robert Pearce the defendant in the cause afore said) *at the time of the sealing and delivery of the writing obligatory afore said, was not in the house,* (meaning the mansion-house of the said Thomas Jole) *but in the church,* (meaning the parochial church of Jacobstowe, in the county of Cornwall afore said) *and that then* (meaning the time of the sealing and delivery of the writing obligatory afore said) *there were only six persons in the said house, to wit, John Strout, William Strout, two bailiffs and two witnesses,"* (meaning the two witnesses who subscribed the writing obligatory afore said). Whereas in truth and in fact, the said John Strout and William Strout did not deliver the writing obligatory for five pounds, to John Pearne to the use of the sub-sheriff: and whereas in truth and in fact, the said Mr. Pearce at the time of the sealing and delivery of the writing obligatory afore said, was in the house of the said Thomas Jole, and not in the church: and whereas in truth and in fact, at the time of the sealing of the obligation afore said, there were more than six persons in the said house, as the said Thomas Jole falsely, wilfully and corruptly did say, depose, swear, and upon his oath affirm, and give in evidence to the jury afore said. And that the said John Baker, on the said 22d day of November, in the 24th year of the reign of the said lord the now king afore said, at Westminster afore said, in the said county of Middlesex, before the said chief justice and the jury afore said, falsely, wilfully and corruptly did say, depose, swear, and upon his oath affirm, and give in evidence to the jury afore said, sworn to try the issue afore said, "*That the writing obligatory* (meaning the writing obligatory in the information afore said mentioned)

Oath.

Jole.

Averments
of perjury.

Perjury by
John Baker

Indictments for Perjury.

mentioned) *was delivered to John Pearne, (meaning the said John Pearne) to the use of the sub-sheriff, (meaning to the use of John Littleton, sub-sheriff of the county of Cornwall aforesaid) and that the writing obligatory aforesaid, was in the name of Mr. Pearce, (meaning the said Robert Pearce, the defendant in the cause aforesaid) and that at the time of the sealing and delivery of the writing obligatory aforesaid, the said Mr. Pearce (meaning*

***P. 143.**
Averments
of perjury.

*the said Robert Pearce) was in the * summer-house, (meaning a certain gallery at the mansion-house of the said Thomas Jole)."* Whereas in truth and in fact, the writing obligatory aforesaid, was not delivered to the said John Pearne, to the use of the sub-sheriff, and whereas in truth and in fact, at the time of the sealing and delivery of the writing obligatory aforesaid, the said Robert Pearce was not in the summer-house, as the said John Baker, falsely, wilfully and corruptly did say, depose, swear and upon his oath affirm, and give in evidence to the jury aforesaid.

Perjury by
John Pearne

And the said John Pearne, on the said 22d day of November, in the 24th year of the reign of the said lord the king aforesaid, at Westminster aforesaid, in the said county of Middlesex, before the said chief justice and the jury aforesaid, falsely, wilfully and corruptly did say, depose, swear, and upon his oath affirm and give in evidence to the jury aforesaid, sworn to try the issue aforesaid, "*That the writing obligatory (meaning the writing obligatory in the information aforesaid mentioned) was sealed and delivered to himself, to the use of the sub-sheriff, (meaning to the use of John Littleton, then sub-sheriff of the county of Cornwall) and that the writing obligatory aforesaid, was in the name of Mr. Pearce, (meaning in the name of the said Robert Pearce, defendant in the information aforesaid).*" Whereas in truth

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of perjury.

and in fact, the writing obligatory aforesaid, was not sealed or delivered to the said John Pearne, to the use of the sub-sheriff, as the said John Pearne, falsely, wilfully and corruptly did say, depose, swear, and upon his oath affirm, and give in evidence to the jury aforesaid. And so the said Thomas Jole, John

General
conclusion.

Baker and John Pearne, on the 22d day of November, in the 24th year of the reign of the said lord the now king aforesaid, before the said chief justice, at Westminster aforesaid, in the said county of Middlesex, falsely, maliciously, wilfully and corruptly, did commit wilful and corrupt perjury, and each and every of them, falsely, maliciously, wilfully and corruptly, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, &c.

Indicements for Perjury.

The King *against* Hanson.

To wit. } **T**HAT whereas heretofore to wit, in the term Information
of Easter last past, in the court of the said lord the king, before the king himself, the said court then in giving
being held at Westminster, in the said county of Middlesex, a evidence on
certain issue was joined and recorded in the said court, between the trial of
one Hamlet Borer, gent. by the name, &c. plaintiff, and one Nisi Prius,
John Bingham, by the name, &c. defendant, in a plea of tref- before chief
pass upon the case. which issue afterwards to wit, on Wednes- justice
day the 30th day of May, in the 18th year of the reign of the Kelynge.
said lord the now king, before John Keylynge, knt. chief jus-
tice of the said lord the king, assigned to hold pleas before
the king himself, at Westminster, in the great hall of the pleas
there, by the form of the statute, &c. in the due manner came
to be tried, by a jury of the said country, then and there sworn
and charged to try the issue aforesaid; one John Hanson, late
of, &c. in the county aforesaid, on the said 30th day of May,
in the * 18th year of the reign of the said lord the now king, *P. 144.
at Westminster aforesaid, came before the said chief justice,
and not having the fear of God before his eyes, nor fearing to
commit the crime of perjury, but contriving and diabolically
intending, not only to weaken, but also to prevent the public
justice of this kingdom of England, and unjustly to injure and
aggrieve him the said John Bingham, and to overturn the
truth; he the said John Hanson, on the 30th day of May, in the
18th year aforesaid, at Westminster aforesaid, in the said Oath.
county of Middlesex, then and there † being sworn upon the † The pre-
Holy Gospels of God, to speak the truth to the said jury, cedent doth
then and there upon his oath aforesaid, falsely, corruptly, wil- not say con-
fully and maliciously did say, depose and give in evidence to cerning
the same jury, "That he the said J. H. in the year of our lord what.
1661, at the mansion-house of one John Trenchard, esquire, situate
at Fox-hall, in the county of Surry, delivered to the said John Bing- Perjury.
ham an account in writing, which account the said J. B. then and
there received, and said to the said John Hanson, that he the said
John Bingham would consider thereof;" and the said J. H. then
and there, upon his oath aforesaid, before the said chief justice
further did say, depose, and falsely, corruptly, maliciously and
injuriously did give in evidence to the said jury, "That the said
John Bingham afterwards, to wit, in the year of our Lord 1661
aforesaid,

Indictments for Perjury.

Assignments
of perjury.

aforesaid, at the said mansion-house of the said John Trenchard aforesaid, acknowledged the account aforesaid, and that he upon that account owed to the said Hamlet, the sum of 84l. 5s. 4d. and that he promised to pay the same." Whereas in truth and in fact, the said John Bingham was not at any time within the year of our Lord 1661, at the said mansion-house of the said John Trenchard, at Fox-hall aforesaid, nor had the said discourse with the said John Hanson concerning the premisses, nor received the account aforesaid, from the said John Hanson, nor said to the said John Hanson, that he the said John Bingham would consider thereof, nor acknowledged the said account, and that he the said John Bingham owed to the said Hamlet the said sum of 84l. 5s. 4d. as the said John Hanson falsely did say and depose, to the evil example of all others in the like case offending, to the subversion of the good government of this kingdom of England, and against the peace, &c.

The King against C. T.

Information
for the like,
on trial of
an issue at
the assizes.

*P. 145.

To wit. } **T**O be informed, that whereas in the term of St. Michael, in the 22d year of the reign of our lord Charles the 2d, by the grace of God of England, &c. king, &c. in the court of the said lord the king, before the king himself, the said court then being at Westminster, in the said county of Middlesex, one W. L. had impleaded one J. C. the elder, J. C. the younger, and T. W. of, &c. for this that they the said J. C. the elder, J. C. the younger, and T. W. on the day in the 20th year of the reign of the said lord the now king, with force and arms, &c. the closes of the said W. called the waste and plot of ground, at the parish of, &c. in the county of Devon, broke and entered, and the grass of the said W. to the value of 40l. in the closes aforesaid lately growing, with their feet, by walking trod down and consumed, and also other grass of the said W. to the value, &c. in the closes aforesaid, in like manner growing, with certain cattle, to wit, horses, oxen, cows, hogs and sheep, eat up, trod down and consumed, and also then and there the soil of the closes aforesaid, dug up and subverted, and also in and upon the soil of the closes aforesaid, planted trees, to wit, twenty oak and ash trees, (the trespasses aforesaid, as to the eating up, treading down and consuming of the other grass aforesaid, with the cattle aforesaid, from the said day in the year,

&c.

Indictments for Perjury.

&c. aforesaid, until the day in the 22d year of the reign of the said lord the now king, at sundry days and times continuing) and also him the said W. for the whole time aforesaid, from the possession and occupation of the closes aforesaid, kept and held out, whereby the said W. lost and was deprived of all the profit and benefit of the closes aforesaid, for the whole time aforesaid, and other outrages to him did, against the peace of the said lord the now king, and to the damage of the said W. of 20l. and thereupon he produced his suit, &c. and that afterwards to wit, on the Monday next after the octave of St. Hilary, in the 22d year of the reign of the said lord the now king aforesaid, to which day the said J. J. and T. had leave to imparl thereto, and then to answer, &c. before the said lord the king, came as well the said W. by G. E. his attorney, as the said J. J. and T. by their attorney and the said J. J. and T. defended the force and injury, and said that they were not guilty thereof, and of this put themselves upon the country, and the said W. did the like, &c.—upon which issue so as aforesaid joined, it was in such wise proceeded between the parties, that afterwards to wit, at the assizes holden for the county of Devon aforesaid, at the city of Exeter, in the said county of Devon, on Wednesday the 5th of April, in the 22d year, &c. before R. R. knt. one of the justices of the said lord the king, assigned to hold pleas before the king himself, and L. S. esquire, to the said R. R. and I. V. knt. chief justice of the said lord the king of the bench, justices of the said lord the king, assigned to take assizes in the county of Devon aforesaid, by the form of the statutes, &c. Si non omnes. for that time associated; the presence of the said I. V. not being expected, by virtue of a writ of the said lord the king of si non omnes, &c. a trial in the due manner was had, upon which trial one C. T. of, &c. in the county of Devon aforesaid yeoman, then and there was produced as a witness on behalf of W. L. plaintiff in the cause aforesaid, and then and there was sworn upon the Holy Gospel of God, to speak the truth Oath. of and concerning the premisses in the said issue, and that the said C. T. so being sworn as aforesaid, not having the fear of God before his eyes, but being wholly moved and seduced by the intigation of the devil, then and there by his own proper act and consent, upon his oath aforesaid, falsely, maliciously, wilfully and corruptly did say, depose, swear and give in evidence to the jurors then and there impanelled, elected, tried and sworn to try the issue aforesaid, in the manner aforesaid joined, “*That* *P. 146. *for the time * that he the said C. T. farmed the plot of ground,* Perjury. (meaning the said plot of ground in the declaration aforesaid mentioned) *from the defendant's* (meaning the said I. C. the elder, I. C. the younger, and T. W. the said defendants in the said cause mentioned) *he the said C. T. made no use of the said ground, nor kept or depastured any horses, oxen or sheep upon the said* pl.†

Indictments for Perjury.

Assignment of perjury. *plot of ground;*" whereas in truth and in fact, he the said C. T. for some time to wit, for the space of half one year, in which the said C. T. farmed the aforesaid plot of ground, from the said defendants J. C. the elder, J. C. the younger, and T. W. made use of the said plot of ground; and whereas in truth and in fact, he the said C. T. kept and depastured some horses, oxen and sheep upon the said plot of ground. And so the said C. T.

Conclusion. on the said Wednesday the 5th day of April, in the 22d year of the reign, &c. aforesaid, before the said justices at the assizes aforesaid, at the city of Exeter aforesaid, the said county, by his own proper act and consent in the manner and form aforesaid, by his oath aforesaid, falsely, maliciously and corruptly did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the king, his crown and dignity. Whereupon the said coroner and attorney, &c.

King against Trotter.

Indictment for wilful perjury, in giving evidence on a trial at the bar of the court of Common Pleas on an ejectment, and for which he was committed to the Fleet by the court of Common Pleas. *Middlesex,* } **THE** Jurors for the lord the king, upon their oath present, that Henry Trotter, late of Grimston-law, in the county of Northumberland, yeoman, on the 30th day of Oct. in the eighth year of the reign of our lord William the 3d, of England, &c. now king, in the court of the said lord the king, of the bench at Westminster, before George Treby, knt. and his brethren justices of the said lord the king, of the bench aforesaid, being then and there produced as a witness, and by the court aforesaid upon the holy Gospel of God, in the due form of law sworn, to testify the truth in a certain action, between Anthony Dawson, plaintiff, and Charles Howard, late of Ford, in the county of Northumberland, esq; William Nelson, late of the parish of St. John-lee, otherwise St. John Lees, in the county aforesaid, gent. Edward Hudspetch, late of the parish of St. John-lee, otherwise St. John Lees, in the county aforesaid, yeoman, John Chicken, late of the parish of St. John-lee, otherwise St. John Lees, in the county aforesaid, yeoman, John Heron, late of the parish of St. John-lee, otherwise St. John Lees, in the county aforesaid, yeoman, defendants in a plea of trespass and ejectment of a farm, then in the said court depending, and then and there in the said court, before the justices aforesaid, in the due course of law brought to

Indictments for Perjury.

be tried by a jury of the country, he the said Henry Trotter, then and there, in the said court, before the justices aforesaid, upon his oath aforesaid, then and there by the court aforesaid, to the said Henry Trotter in due form of law administered, falsely, wilfully and corruptly did swear, and to the jurors of the jury aforesaid, then and there in the due manner sworn and charged, to try the issue * between the said parties, in the plea aforesaid joined, did give in evidence, and did depose, "*That a certain writing then and there in the court aforesaid, before the justices aforesaid produced, and to the jurors last-mentioned, shewn in evidence, purporting to be the last will and testament of Thomas Errington, lately deceased, and by the said Thomas Errington to be signed and sealed, and by the said Henry Trotter, and one William Mills and Thomas Story to be attested, was not the last will and testament of the said Thomas Errington, lately deceased, and that the said Thomas Errington lately deceased did not sign nor seal the writing aforesaid, nor did he publish that writing to be the last will and testament of him, the said Thomas Errington, lately deceased, but that one Mrs. Errington, then Mrs. Wilson, or the said William Mills did subscribe the name of the said Thomas Errington thereto, and that the said Mrs. Errington, then Mrs. Wilson, after the death of the said Thomas Errington, did cause a certain by whose name was Thomas Errington to seal the said writing.*"—

Whereas in truth and in fact, the said writing, so as aforesaid shewn in evidence, was the last will and testament of the said Thomas Errington, lately deceased, and the said Thomas Errington lately deceased, in his lifetime did sign and seal that writing, and did publish the said writing to be the last will and testament of him the said Thomas Errington lately deceased, to wit, at Westminster, aforesaid, in the county of Middlesex; and whereas, in truth and in fact neither the said Mrs. Errington, then Mrs. Wilson, nor the said William Mills did subscribe the name of the said Thomas Errington thereto; and whereas in truth and in fact, the said Mrs. Errington, then Mrs. Wilson, at any time whatsoever did not cause any person whatsoever to seal the said writing; and so the said Henry Trotter, on the said 30th day of October, in the 8th year aforesaid, at Westminster, in the county of Middlesex aforesaid, in the court of the bench aforesaid, before the said justices, there in the manner and form aforesaid, corruptly, wilfully and maliciously, did commit false, corrupt and wilful Perjury, against the peace, &c.

*P. 147.
Perjury.

Assignments
of perjury.

Conclusion.

This indictment was found by the Grand-jury, in the court of the King's-bench, and the defendant confessed the perjury, and was set in the pillory, by judgment and rule of the court.

Indictments for Perjury.

The King against Trotter.

The rule of the court. *Saturday next after the Octave of St. Martin, in the Eighth Year of William the 3d, King, &c.*

Confession
and judgment
thereon.

*P. 148.

Henry Trotter was brought here into court, under the custody of the Warden of the Fleet, upon a writ of Habeas Corpus ad Subjiciendum, &c. It is ordered that the writ aforesaid and the return thereto be filed, and being charged to answer the indictment against him for perjury, he confesseth here in court, that he is guilty of the perjury in the indictment * aforesaid mentioned, and thereupon his confession is recorded by the court, and so being thereof convicted by his own proper confession, it is ordered that he pay to the lord the king the sum of twenty pounds, for his fine, for the occasion aforesaid, and he is committed to the Marshal in execution, safely to be kept, until he shall pay the fine; and that he shall stand in and upon the pillory, on the Tuesday next, in the court yard of the palace, at Westminster, with a paper upon his head, denoting his offence, between the 11th hour before mid-day of the said day, and the 2d hour after mid-day of the said day, for the space of 1 hour, and also that he shall stand in and upon the pillory, on the Wednesday next, at Charing-Cross, with the said paper upon his head, between the hours aforesaid, for the space aforesaid, and that the said Marshal shall deliver the defendant to the Sheriff of Middlesex, to execute the judgment aforesaid, and after the execution of the said judgment, the said sheriff shall redeliver him to the said Marshal, safely to keep until he shall pay the fine, and that also he shall stand in and upon the pillory, on the Friday next, nigh to the gate of the Inner-temple, in Fleet-street, London, with the like paper upon his head, between the said hours, for the space aforesaid, and that the said marshal deliver the defendant to the sheriffs of London, to execute the judgment aforesaid, and after the execution of the said judgment, the sheriffs shall redeliver the defendant to the said marshal safely to be kept, until he shall pay the fine. By the Court.

The King against Stone.

Indictment
for perjury
in a deposition,
before a master in
Chancery,

Middlesex, } **T**HE Jurors, &c. that on the 29th day of July,
To wit. } in the 23d year of the reign of the said lord
the now king, there was a certain suit then depending in the
court of Chancery of the said lord the now king, at Westminster
Ac-

Indictments for Perjury.

Her, in the county of Middlesex aforesaid, by English petition, concerning the service
 between Robert Atkyns, knight of the Bath, and Richard Atkyns, esq; and that thereupon one Robert Stone, of the parish of a writ of
 of St. Martin in the Fields, in the county of Middlesex aforesaid, execution of an order
 said, mealman, on the said twenty-ninth day of July, and 23d of that
 year aforesaid, came before Mundeford Bramston, knt. then be- court, in a
 ing one of the masters of the court of Chancery, of the lord the cause be-
 now king, at Westminster aforesaid, and then and there the said tween Sir
 Robert Stone not having the fear of God before his eyes, but Robert At-
 being moved and seduced by the instigation of the devil, before kyns, after-
 the said Mundeford Bramston then and as yet one of the mas- wards lord
 ters of the said court of Chancery, having full and sufficient chief baron
 power and authority to administer an oath to the said of the Ex-
 Robert Stone in that behalf, upon the Holy Gospel of God in chequer,
 the due form of law was sworn, and took his corporal oath, and Rich-
 and the said Robert Stone, then and there upon his oath afore- ard Atkyns,
 said, before the said M. B. then being one of the masters of the esquire.
 said court of Chancery as aforesaid, and having full and sufficient
 power and authority to administer an oath to the said Ro-
 bert Stone in that behalf as aforesaid, falsely, wilfully and cor-
 ruptly did say, swear and depose, "*that on Saturday then being* Perjury,
the said twenty-ninth day of July, he met the said Richard Atkins in
the Inner-temple, and the said Robert Stone having the writ of execu-
tion of an order to serve him out of the honourable court of Chan- P. 149,
cery, at the suit of the said Robert Atkyns, the said Robert Stone did
shew to the said Richard Atkyns the said writ, under seal, and did
offer to deliver to him a copy of the said writ, and serve him there-
with, but the said Richard Atkyns swore a desperate oath that if the
said Robert Stone would come near him the said Richard, to serve
him therewith, he the said Richard Atkyns, him the said Robert
Stone would run through, or would be the death of him; and that
the servant of the said Richard Atkyns then being present with his
said master aforesaid, swore many desperate oaths, that if he the said
Robert Stone would approach to him, he would run the said Robert
Stone through, and also swore that if he ever met the said Robert he
would be his death; and the said Robert further did depose, that up-
on the Thursday then last, he was at the Chamber in the Middle-
temple, where the said Richard Atkyns did lodge, and that the said
Richard Atkyns then was in the said Chamber, and spoke to one
James Johnson, who was with the said Robert Stone, and the said
James Johnson did deliver to the servant of the said Richard Atkyns
a copy of the said writ of execution; and one Mary Jackson, who
then was with the said Robert Stone, did shew to the servant of the
said Richard Atkyns, the said writ under seal; and as soon as she
had shewn the said writ under seal, the said servant laid his hand
upon his sword, and pursued the said Robert three pair of stairs,
swearing that he would be the death of him, the said Robert Stone,"
 whereas in truth and in fact, the said Robert Stone did not shew Assignment
 Z 2 to of perjury.

Indictments for Perjury.

Conclusion.

to the said Richard Atkyns any writ of execution under seal, at the suit of the said Robert Atkyns, nor did he offer to shew any such writ, or to deliver to the said Richard any copy of any such writ, or to serve him therewith; and whereas in truth and in fact, the said Richard Atkyns did not swear that if the said Robert Stone would come near him, he the said Richard him the said Robert would run through, nor did he swear that if he should ever meet the said Robert Stone, he would be his death, as the said Robert Stone upon his oath aforesaid, before the said Mundeford Bramston, falsely, wilfully and corruptly did say, depose and swear. And so the jurors aforesaid, now here sworn to enquire for the said lord the king and for the body of the county aforesaid, upon their oath aforesaid, say that the said Robert Stone on the said 29th day of July, in the 23d year, &c. aforesaid, at Westminster aforesaid, in the county aforesaid, before the said Mundeford Bramston then being one of the masters of the said court of Chancery, who then and there had full power and authority to administer the said oath to the said Robert Stone, falsely, wilfully and corruptly did commit false, wilful and corrupt perjury, to the great displeasure of Almighty God, in contempt of the said lord the king and of his laws, to the great damage of the said Richard Atkyns, to the evil and pernicious example of all others in the like case offending, and against the peace, &c.

* P.150.

* The King *against* Boucher, and others.

Hilary, 26th and 27th Charles II.

Information
against three
defendants
for perjury,
in a depoi-
tion, before
a justice of
the peace,
that ap. rion
was present
at an un-
lawful con-
venticle,
whereby the
person was
and is.

To wit. } **T**HAT Henry Boucher, of, &c. in the county of Somerset, labourer, Ed. Cornelius, the younger, of Winefield, in the county of Wilts, labourer, and Tho. Love, of Winefield, in the said county, of Wilts, labourer, on the 28th day of May, in the 20th year of the reign of our lord Charles the 2d, of England, &c. contriving and intending one Mary Swath, widow, greatly to oppress and distress, on the said 28th day of May, in the 20th year, &c. aforesaid, at Cutteridge, within the parish of Northbradly, in the county of Wilts aforesaid, in their proper persons came before William Trenchard, esquire, one of the justices of the said lord the king, assigned to preserve the peace of the said lord the king, in the said county of Wilts aforesaid, and then and there did take their corporal

Indictments for Perjury.

corporal oaths upon the holy Gospel of God, before the said Oaths.

William Trenchard, (the said William Trenchard then and there having full and sufficient power and authority to administer the said oaths to the said H. B. E. C. and E. L.) and that the said H. B. E. C. and E. L. upon their oaths aforesaid so taken, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, then and there by their several acts and their own proper consents, falsely, maliciously, wilfully and corruptly upon their oaths aforesaid, did say, depose and swear, and each and every of them, by his own proper act and consent upon his oath aforesaid, falsely, maliciously, wilfully and corruptly did say, depose and swear that the said Mary Swath was present at an unlawful assembly at Brook Perjury., in the parish of Westbury, in the barn and close of Thomas Edwards, on the 17th day of May, in the 26th year aforesaid, under colour and pretence of the exercise of religion, in another manner than according to the practice of the church of England, by reason of which the said William Trenchard for that offence did impose upon the said Mary Swath the fine of 5l. and 5s. Whereas in truth and in fact the said Mary Swath, Assignment of perjury. was not present at an unlawful assembly at B. in the parish of W. in the barn and close of Thomas Edwards, on the 17th day of May, in the 26th year, &c. aforesaid, under colour and pretence of the exercise of religion, in another manner than according to the practice of the church of England, as the said H. B. E. C. and E. L. by their several acts, and their own proper consents, falsely, maliciously, wilfully and corruptly, upon their oaths aforesaid did say, depose and swear, and so they the said H. B. E. C. and E. L. on the said 28th day of May, in the 26th year, &c. aforesaid, at C. aforesaid, at the parish of N. aforesaid, in the said county, before the said W. T. one of the justices as aforesaid, then and there having sufficient power and authority, to administer the oaths aforesaid, to the said H. B. E. C. and E. L. in that behalf, falsely, maliciously, wilfully and corruptly, by their several acts and * by Conclusion. P. 151. their own proper consents, in the manner and form aforesaid, did commit wilful and corrupt perjury, and each and every of them by his act and by his own proper consent, falsely, maliciously, wilfully and corruptly in the manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the great damage of the said Mary Swath, in contempt of the laws of this kingdom of England, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity. Whereupon the said attorney-general of the said lord the now king, for the said lord the king, prays the consideration of the court here in the premisses, and that the due process of law against the said

11. B.

Process
prayed.

Indictments for Perjury.

Venire to answer awarded.	H. B. E. C. and E. L. may be awarded in this behalf, to make them to answer to the said lord the king, of and touching the premisses, &c. Whereupon the sheriff of the county is commanded, that he do not omit, &c. but that he cause them to come to answer, &c. And now, to wit, on the Saturday next after the octave of St. Hilary, in this same term, before the lord the king at Westminster, come the said H. B. E. C. and E. L. by W. E. their attorney, and having heard the information
Not guilty	afore said, severally say that they are not guilty thereof, and of this put themselves upon the country, and William Jones, knt. attorney-general of the said lord the king, who for the said lord the king in this behalf now prosecutes, doth the like, &c. Therefore let a jury come thereupon before the said lord the king, from the day of Easter in 15 days, where-soever, &c. and who neither, &c. to recognize, &c. because as well, &c. the same day is given as well to the said William Jones who prosecutes, &c. as to the said H. B. E. C. and E. L. at which fifteen days of Easter, before the said lord the king, at Westminster come, as well the said William Jones, who prosecutes, &c. as the said H. B. E. C. and E. L. by W. E. their attorney afore said; and the sheriff hath not sent the writ thereupon, therefore as before let a jury come thereupon, before the said lord the king, on the morrow of the Holy Trinity, where-soever, &c. and who, &c. to recognize, &c. because as well, &c. the same day is given as well to the said William Jones, who prosecutes, &c. as to the said H. B. E. C. and E. L. &c. At which morrow of the Holy Trinity, before the said lord the king at Westminster, come as well the said William Jones who prosecutes, &c. as the said H. B. E. C. and E. L. by their attorney afore said, and the sheriff returns the names of 24 jurors, of whom none, &c. Therefore he is commanded that he do not omit, but that he distrain them by all their lands, &c. and that of the issues, &c. and that he have their bodies before the said lord the king, from the day of St. Michael, in three weeks, where-soever, &c. or before the justices of the said lord the king, assigned to take assizes in the county of Wilts afore said, &c.
Venire facias juratores, awarded.	
"Vicecomes non misit breves."	
Distringas awarded.	

The King against Brooks.

Indictment
for perjury,
in an an-
swer in
Chancery.

Caption.

To wit. } **BE** it remembered, that at the general quarter sessions of the peace of the lord the king, held for the city of London, at the Guildhall of the said city, and within the said city, to wit, on Wednesday the 11th day
of

Indictments for Perjury.

of January, in the 17th year of the reign of our lord Charles the 2d, of England, &c. king, &c. before John Lawrence, lt. mayor of the city of London, Thomas Adams, knt. and bart. &c. and others, their fellow justices of the said lord the king, assigned to preserve the peace in the said city, and also to hear and determine divers felonies, * trespasses, and other misdeeds in the said city perpetrated, the said session of the peace of the said lord the king was adjourned by the said justices of the said lord the king there, until the Friday next, to wit, the 13th day of the said month of January, in the year aforesaid, at the 7th hour before mid-day of the said day, at Justice-hall, in the old Baily, in the parish of St. Sepulchre, in the ward of Farringdon, without, London aforesaid, to be held before the said justices and others their fellows justices of the said lord the king, &c. and to do further as the court shall consider, &c. And thereupon by a certain inquisition taken, at the said general quarter sessions of the peace of the said lord the king, held for the city of London, by the adjournment aforesaid, at Justice-hall aforesaid, in the parish and ward aforesaid, on the said Friday the 13th day of January aforesaid, in the year aforesaid, before the said J. L. knt. mayor of the city of London, T. A. knt. and baronet, R. B. knt. &c. aldermen of the said city, and William Wylde, knt. and bart. one of the said lord the king's serjeants at law, and recorder of the said city, and others their fellows, justices of the said lord the king, assigned to preserve the peace in the said city, and also to hear and determine divers felonies, trespasses and other misdeeds within the said city perpetrated, by the oath of Francis Perkins, W. S. P. G. (and 14 others) good and lawful men of the city of London aforesaid, then and there sworn and charged to enquire for the said lord the king and body of the said city, it is presented that the following bill is true, "*London to wit, the jurors for the said lord the king upon their oath present, that whereas Nathaniel Sharp of London, haberdasher, on the 22d day of April, in the 14th year of the reign of our lord Charles the 2d, by the grace of God of England, &c. king, &c. did exhibit his bill of complaint in the court of Chancery, of the said lord the king, the said court then being held at Westminster, in the county of Middlesex, against one Nathaniel Brooks of London, stationer, which bill of complaint was directed to the most noble Edward, Earl of Clarendon, lord chancellor of England, and the said Nathaniel Sharp, in and by his said bill did set forth, that he the said N. S. being indebted about the year 1655, was compelled by extreme losses, and otherwise to call his creditors together, and thereon to make a composition with his said creditors; and the said Nathaniel Sharp, by the insinuation and advice of the said Nathaniel Brooks (to whom the said N. S. was in no manner indebted) was persuaded that the said N. B. should appear as a creditor of the said N. S. for 40l. among the other creditors of the said N. S. and that the said N. S. should*"

*P. 152.
 adjourn-
 ment to
 Justice-hall
 in the Old
 Baily.
 Bill of in-
 dictment
 found.
 Bill filed in
 the court of
 Chancery.
 Seal

Indictments for Perjury.

*P. 153.

seal an obligation to the said N. B. bearing date about the 28th day of February, in the year of our Lord 1655, in which obligation one John Fowler of London, fishmonger, should be named, to be bound to the said N. B. in the penalty of 40l. and that the said obligation should be sealed by the said N. B. and J. F. upon trust only, and for the intention that the said N. B. should appear as a creditor of the said N. S. for 40l. among the other creditors of the said N. S. And that upon such persuasions of the said N. B. the said N. S. did believe that he had sealed such an obligation for 40l. altho' he did not know or believe that the said J. F. had ever sealed the same, and that the said N. B. afterwards did seal and deliver as his act and deed, a general release of all obligations, bills, complaints, and demands whatsoever; and whereas the said N. S. in and by his bill of complaint aforesaid, among other things did pray, that the said N. B. might set forth, declare, and discover upon the corporal oath of the said N. B. whether the said obligation, bearing date the said 28th day of February, in the year of our Lord 1665, in the penalty of 40l. pretended to be sealed by the said N. S. and J. F. was not sealed to give colour that the said N. B. was a creditor of the said N. S. and who are the witnesses to the said obligation; and whether they did deliver the said obligation as the act and deed of them, the said N. S. and J. F. and for what reason and consideration the said N. S. did seal the same, and what money or other lawful consideration, the said N. S. had for the same; and when, where, how, by who, or whom, before who, or whom the said N. S. did receive the same; and whether the said N. B. after the sealing of the said obligation, did not seal and deliver as his act and deed, before two witnesses, to the said N. S. a certain general release, bearing date after the said obligation, and by which release, the said N. S. was released and acquitted, by the said N. B. of and from all obligations, bills, complaints and demands whatsoever, from the beginning of the world to the day of the date of the said release; as by the said bill remaining of record in the said court of Chancery among other things more fully appears. And that the said N. B. of London, stationer, afterwards, to wit, on the 5th day of May, in the 14th year, &c. aforesaid, at London, to wit, in the parish of St. Dunstan, in the west, in the ward of Farringdon without, London aforesaid, came before Nathaniel Hubbert, knt. then one of the masters of the said court of Chancery, and then and there, before the said N. H. did exhibit in writing, the answer of the said N. B. to the said bill of complaint aforesaid, and the said N. B. being then and there sworn in the due form of law, upon the Holy Gospel of God, before the said N. H. then one of the masters of the said court of Chancery, and then having sufficient authority to administer an oath to the said N. B. the said N. B. then and there, upon his oath before the said N. H. knt. then one of the masters of the said court of Chancery, did swear, that so much of the answer of the said N. B. so as aforesaid before the said N. H. exhibited, as concerned the proper acts and deeds of the said N. B. he

Oath.

Indictments for Perjury.

B. he the said N. B. knew to be true, and that so much of the said answer as concerned the acts and deeds of any other person, he the said N. B. believed to be true. And that the said N. B. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and disregarding the laws of this kingdom of England, nor in any manner fearing the penalty in the same contained, and holding his oath aforesaid, as nothing, then and there upon his oath aforesaid, in his said answer to the bill of complaint aforesaid, falsely, wilfully, and Perjury. corruptly among other things did answer, say and swear, in writing, in these English * words following, "*That the complainant (meaning the said N. S.) being indebted to the defendant (meaning the said N. B.) for money lent at several times unto him (meaning the said N. S.) by this defendant (meaning the said N. B.) and being likewise indebted to him (meaning the said N. B.) in 8l. for books sold unto him, (meaning the said N. S.) and for his lodging, washing and diet; and this deponent (meaning the said N. B.) having laid out several sums of money for him (meaning the said N. S.) in attending on the execution of a commission of bankruptcy sued out against him (meaning the said N. B.) the commissioners in the said commission having sat several times upon it; and this defendant (meaning the said N. B.) having laid out several sums of money for him (meaning the said N. B.) both before and after the said commission was sued out in prosecuting a composition with his creditors (meaning the creditors of the said N. S.) and this defendant (meaning the said N. B.) having taken great pains, and deserved much therein, in all amounting to 19l. 12s. at least, and the complainant (meaning the said N. S.) being very sensible thereof, did upon the 28th day of February, 1655, he (meaning the said N. S.) then lodging at this defendant's house (meaning the house of the said N. B.) of his own accord came unto this defendant (meaning the said N. B.) in his said house (meaning the house of the said N. B.) with John Fowler (meaning the said J. Fowler) his brother-in-law, and then and there acknowledging the said debt, did for the full satisfaction thereof, together with the said J. F. (meaning the said J. F.) as his surety, enter into a bond to this defendant (meaning the said N. B.) and which obligation (meaning the said obligation) the complainant (meaning the said N. S.) wrote with his own hand, of the penalty of 40l. bearing date the said 28th day of February, in the year aforesaid (meaning the said 28th day of February, in the year of our Lord, 1655) and sealed both by the said complainant, (meaning the said N. S.) and the said John Fowler, conditioned for the payment of 19l. 12s. to this defendant (meaning the said N. B.) upon the 28th day of August then next following (meaning the 28th day of August, in the year of our lord, 1656). and this defendant (meaning the said N. B.) denieth that the said bond was entered into or sealed upon any of the persuasions, allegations, reasons and purposes or intents, in the bill scandalously alledged, or that it was entered into, or sealed upon, or for any other reason, and,*"

A a pose

Indisements for Perjury.

pose or intent, than this defendant (meaning the said N. B.) hath before set forth; and particularly this defendant (meaning the said N. B.) denieth that the said bond was sealed, or to be sealed by the complainant (meaning the said N. S.) and the said J. Fowler (meaning the said J. Fowler,) or either of them (meaning the said N. S. and J. F.) in trust, or that this defendant (meaning the said N. B.) might appear a creditor to the complainant, or to colour this defendant's (meaning the said N. B.) being a creditor to him (meaning the said N. S.) and saith, that the complainant (meaning the said N. S.) did set his hand and seal (meaning the hand and seal of the said N. S.) and the said John Fowler, only his seal (meaning the seal of the said J. F.) to the said bond, and both the complainants (meaning the said N. S. and the said John Fowler) did after the enfealing of the said bond, deliver the same as their act and deed (meaning the act and deed of the said N. S. and J. F.) and this defendant (meaning the said N. B.) denieth that he this defendant (meaning the said N. B.) did after the sealing of the said bond, seal or deliver any release," as by the said answer of the said N. B. to the said bill of complaint in the said court of Chancery remaining of record more fully appears. Whereas in truth and in fact, the said N. S. at the time of the date of the said obligation, in the bill of the said N. S. and in the answer of the said N. B. mentioned, to wit, on the said 28th day of February, in the year of our Lord, 1655, was not indebted to the said N. B. in any sum of money for the lodging, washing, and diet of the said N. S. before the date of the said obligation, nor did the said N. B. lay out any sum of money for the said N. S. in any attendance upon the execution of any commission of bankruptcy sued out against the said N. S. and whereas in truth and in fact, no commission of bankruptcy was sued out against the said N. S. before the date of the said obligation; and whereas in truth and in fact, the said N. S. on the said 28th day of February, in the year of our lord 1655, did not lodge at the house of the said N. B. and whereas in truth and in fact, the said obligation was sealed by the said N. S. upon trust, and only for the intention, that the said N. B. should appear as a creditor of the said N. S. and to give colour that the said N. B. was a creditor of the said N. S. and whereas in truth and in fact, the said J. F. did never seal and deliver as his deed, the said obligation in the bill and answer aforesaid mentioned; and whereas in truth and in fact, the said N. B. after the sealing of the said obligation, did seal and deliver to the said N. B. a release of the said obligation. And so the said jurors now here sworn to enquire for the said lord the king, and for the body of the city of London aforesaid, upon their oath say, that the said N. B. on the said 5th day of May, in the 14th year aforesaid, at the parish aforesaid, in the ward aforesaid, in his answer aforesaid, to the bill of complaint aforesaid, in the manner and form aforesaid, falsely, wilfully, and corruptly did

commit

*P.155.

Assignment
of perjury.

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commit wilful and corrupt perjury, in contempt of the said lord the now king, and of his laws, to the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity.

Will.

The King against Sotherton and others.

To wit, } **T**O be informed that one Elizabeth Sotherton, Information
in the court of Chancery of the lord the king, for perjury,
the said court then being at Westminster, in the county of Mid- in depoliti-
dlesex, did exhibit a certain English bill of complaint, against ons upon
one Edward Wood, Catharine Rawdon, Elenor Ramford and interrogato-
Robert Ramford, of and concerning a certain messuage or tene- ries in a
ment with the appurtenances, situate in the parish of St. Mag- cause de-
dalen * Bermondsey in Southwark, by one John Sotherton, in Chancery.
then deceased, late the husband of the said E. S. the said plain- #P. 156.
tiff, then before supposed to be taken from the said Edward
Wood and the said defendants, and by a certain deed of the
said Edward indented, for and in consideration of a competent
sum of money to the said Edward Wood, supposed to be paid
by the said J. Sotherton, late the husband of the said E. the said
plaintiff, and also at and under a great annual rent, supposed
to be demised to the said John Sotherton, his executors and
administrators, for a certain long term of years, in the said deed
expressed, and then at the time of the commencing of the said
suit between the said parties, not expired; and also of and con-
cerning the said Eliz. Sotherton the said plaintiff, being arrest-
ed by the said Edward Wood, by virtue of a certain process,
out of the court of the marshal, or out of the palace court at
Westminster, for certain supposed arrears of rent, supposed and
pretended to be due and payable to the said Edward Wood for
the premises, to which bill of complaint the said defendants in
the court of Chancery of the said lord the king, did exhibit a
certain answer in writing, and thereupon it was in such wise
proceeded between the said parties, according to the course
and custom of the said court in such cases, that the said Eliza-
beth Sotherton (on the day and year. &c.) did exhibit interro-
gatories in the said court of Chancery, to be administered to the
witnesses produced, on the behalf of the said E. S. of which in-
terrogatories, the tenor of the second interrogatory follows in
these

Indictments for Perjury.

these words, (Likewise do you know, &c.) whereupon afterwards, one Augustin Sotherton, of the parish of St. M. B. aforesaid, in the county of Surry, dyer, and Thomas Davies, of, &c. labourer, were produced as witnesses, on behalf of the said Elizabeth, in the said cause, and the said Augustin, so as aforesaid, being produced a witness, on the part of the said E. in the said cause, the said A. afterwards, to wit, on the day and year, &c. came before Walter Littleton, knt. then one of the masters of the said court of Chancery, and then having a sufficient authority to administer an oath, to the said A. S. in that behalf, and was sworn upon the holy Gospel of God, in the due form of law; and the said A. S. then and there upon his oath, before the said W. L. knt. then one of the masters of the said court of Chancery, did swear that he the said A. would make true answer to all such questions as should be demanded of him, of and concerning the said interrogatory, and that he would depose the truth, the whole truth, and nothing but the truth, without favour or affection to either of the parties, and thereupon the said A. then and there, of and upon the said interrogatory, being examined he the said A. upon his said oath, falsely, wilfully and corruptly then and there did say, depose, swear, and did answer to the said second interrogatory, in these words as follows, "*To the second interrogatory this deponent saith, that; &c.* whereas in truth and in fact, &c. and so the said A. on the day and year, &c. in the said court of Chancery, before the king himself, at Westminster, in the said county of Middlesex, falsely, wilfully and corruptly did commit wilful and corrupt perjury, in contempt of the said lord the now king, and of his laws, to the great damage of the said E. W. to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity.

Oath.

Perjury.

Assignment
of perjury.

Conclusion.

Indi&ments for Perjury.

* *The King against Saxon.*

*P. 157.

Hilary, the 1st and 2d of James II. Roll 5.

To wit, } **T**O be informed that by a certain inquisition taken Information
 at Chester, in the county of Chester, on Fri- For wilful
 day the 11th day of December, in the 1st year of the reign of and corrupt
 our lord James the 2d, by the grace of God of England, &c. perjury, up-
 king, &c. before Edward Lutwyche, kt. one of the said lord the on the trial
 king's serjeants at law, and justice of Chester, John Warre, esq; of lord De-
 another justice of Chester, Philip Egerton, knt. and Peter Sha- lemere, for
 kerly, knt. assigned by letters patent of the said lord the king, high trea-
 made to them and others, and to any three or more of them, to son, before
 enquire by the oath of good and lawful men of the county of the lord high
 Chester, by whom the truth of the matter might be better Steward,
 known, and by other ways, methods, and means, by which peers of the
 they might or could know better, as well within liberties as realm.
 without, more fully the truth of certain treasons, misprisions Caption.
 of treasons, insurrections, rebellions, counterfeittings, clippings,
 washings, false coinings, and other falsities of the monies of
 this kingdom of England, and of other kingdoms or dominions
 whatsoever; and of certain murders, felonies, manslaughters,
 killings, burglaries, rapes of women, meetings, conventicles, un-
 lawful uttering of words, combinations, misprisions, confeder-
 acies, false allegations, trespasses, riots, routs, retentions, escapes,
 contempts, falsities, negligencies, concealments, maintenances,
 oppressions, champarties, deceits, and other misdeeds, offences,
 and injuries whatsoever, and also of the accessaries of the same,
 within the said county of Chester, as well within liberties as
 without, by whomsoever, and in what manner soever, had, done,
 committed, or perpetrated, by whom, to whom, when, how,
 and in what manner, and of other articles and circumstances,
 the premisses, and every and any of them howsoever concerning,
 and the said treasons and other premisses to hear and deter-
 mine, according to the law and custom of the kingdom of the
 said lord the now king of England, by the oath of twelve jurors,
 good and lawful men of the said county of Chester, then and
 there sworn and charged to enquire for the said lord the king,

Indictments for Perjury.

Recital of
Bill of In-
dictment for
high treason

* P: 158.

and for the body of the said county of Chester, it was presented, that Henry baron of Delemere, in the county of Chester, as a false traitor, against the most excellent and illustrious prince, James the 2d, by the Grace of God, of England, &c. king, &c. his natural lord, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, and entirely withdrawing the cordial love, and true, due and natural obedience which a true and faithful subject of the said lord the king, towards the said lord the king should, and of right ought to bear; and devising, practising, and as much as in him lay intending, to disquiet, molest and disturb the peace and public tranquillity of this kingdom of England, and to stir up, move and procure war and rebellion against the said * lord the king, within this kingdom of England, and to subvert, change and alter the government of the said lord the king of this kingdom of England, and to depose and deprive the said lord the king of his title, honor, and royal name, and from the imperial crown of this kingdom of England, and to put and bring the said lord the king to death and final destruction, on the 14th day of April, in the 1st year of the reign, &c. aforesaid, and at divers other days and times, as well before as after, at Mere, in the said county of Chester, falsely, maliciously, diabolically and traiterously, with divers other false traitors and rebels to the jurors aforesaid unknown, had conspired, compassed, imagined and intended, not only to deprive and remove the said lord the king, his supreme and natural lord, from his royal estate, title, power, and rule of this kingdom of England, but also to kill and bring, and put to death the said lord the king, and to change, alter, and entirely to subvert the antient government of this kingdom of England, and to cause and procure, a miserable slaughter among the subjects of the said lord the king, throughout the whole kingdom of England, and to procure and abet rebellion and insurrection against the said lord the king, within this kingdom of England, and to fulfil, perfect and bring to effect his said most wicked, detestable, and diabolical, treasons, and traiterous compassings, imaginations and purposes, he the said Henry, baron of Delemere, as a false traitor, then and there, to wit, on the said 14th day of April, in the 1st year aforesaid, and at divers other days and times, as well before as after, at Mere, aforesaid, in the county aforesaid, falsely, unlawfully, wickedly, and traiterously, with Charles Gerard, esq; and with other false traitors to the jurors aforesaid unknown, assembled, met, consulted, and agreed to raise and procure divers great sums of money, and great numbers of armed men, to make and levy war and rebellion against the said king, within this kingdom of England, and the city of Chester in the county of the said city, and the castle of the said lord the king of Chester, at Chester, in the said county of Chester, and all the magazines then being in

Indictments for Perjury.

in the said castle, to enter, take, seize, surprize, and into their possession and power to obtain; and the jurors aforesaid, upon their said oath further did then say, that the said Henry, baron of Delemere afterwards, to wit, on the 27th day of May, in the 1st year, &c. aforesaid, falsely, unlawfully, wickedly, and traiterously had travelled from the city of London, to Mere aforesaid, in the connty of Chester aforesaid, to fulfil and perfect his treasonable purposes aforesaid, and that the said Henry, baron of Delemere afterwards, to wit, on the 4th day of June, in the 1st year, &c. aforesaid, at M. aforesaid, in the said county of Chester, in further prosecution of his said wicked, unlawful and traiterous purposes, falsely, unlawfully, wickedly and traiterously had stirred up, animated and persuaded divers liege subjects of the said lord the king, to the jurors aforesaid unknown, to join and adhere to the said Henry, baron of Delemere, and to the other false traitors to the jurors aforesaid unknown, in the said war and rebellion, and in their traiterous purposes aforesaid, against the duty of his allegiance, against the peace of the said lord the now king, his crown and dignity, and also * against the form in the statute in such case * P. 159. made and provided. And the said attorney-general of the said lord the now king, for the said lord the now king; further gives the court here to understand, and to be informed, that afterwards, to wit, on the 14th day of the month of January, in the said 1st year, &c. aforesaid, George, lord Jeffreys, baron of Wem, lord chancellor of England, and for that time steward of England, by virtue of the letters patent of the said lord the king made in the lawful manner, and to the said George lord Jefferys, baron of Wem, then lord chancellor of England, directed the said indictment before him at Westminster, in the county of Middlesex, in the great hall of the pleas, there, on Thursday the 14th day of Jan. in the 1st year of the reign, &c. aforesaid, Indictment caused to come to be determined, &c. and that afterwards, to removed wit, on the said 14th day of January, in the 1st year of the reign, before the &c. aforesaid, at Westminster, in the county of Middlesex, in the great hall of the pleas there, before the said George, lord Jeffreys, baron of Wem, lord chancellor of England, and then steward of England, came the said Henry, baron of Delainere, under the custody of Thomas Cheek, esq; then lieutenant of the tower of the said lord the king, of London, by virtue of a writ of the said lord the king, of Habeas Corpus ad subjiendum, to him directed, brought there to the bar in his proper person, and immediately being demanded of the premisses above charged against him, how he would acquit himself thereof, then said, that he was not guilty thereof, and thereof for good and evil, put himself upon the peers; In which Not guilty. cause it was in such wise proceeded, that the issue aforesaid, so as aforesaid joined, to wit, on the said 14th day of Taliter January, processum.

Indictments for Perjury.

Defendant
produced as
a witness.
Oath.

Perjury.
1st Charge.

*P. 160.

January, in the 1st year of the reign, &c. aforesaid, at Westminster aforesaid, in the said county of Middlesex, in the great hall of the pelias there, before the said George, lord Jeffreys, baron of Wem, lord chancellor of England, and for that time then steward of England, in the due manner was tried by the peers, upon which trial of the issue aforesaid, so as aforesaid joined, between the said parties, one Thomas Saxon, late of Westminster, in the county of Middlesex, yeoman, was produced witness, in the said cause, on the behalf of the said lord the king, and then and there was sworn upon the Holy Gospel of God, to speak the truth, the whole truth, and nothing but the truth, of, and concerning the said premisses; and so being sworn, the said Thomas Saxon, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and not regarding the laws of this kingdom of England, nor in any manner fearing the pains in the same contained, on the said 14th day of January, in the 1st year of the reign, aforesaid, before the said George, lord Jeffreys, baron of Wem, lord chancellor of England, and for that time steward of England, at Westminster aforesaid, in the said county of Middlesex, falsely, wilfully and corruptly, by his own proper act and consent, and of his own most wicked mind, upon his said oath did say, depose, swear, and did give in evidence to the peers of the said Henry, baron of Delemere, then and there in the due manner elected to try the said issue, between the said lord the king and the said Henry, baron of Delemere, then and there in the manner and form aforesaid joined, "*That in the beginning of June then last, he the said Thomas Saxon was sent for to Mere, (meaning the mansion house of the said Henry, baron of Delemere, situate at Mere, in the county of Chester,) where, when he the said * Thomas Saxon came, he was conducted into a lower room, where lord Delemere (meaning the said Henry, baron of Delemere) Robert Cotton, knt, and baronet, (meaning one Robert Cotton of Combermere, in the county of Chester aforesaid, knt. and baronet) and Mr. Offley, (meaning one John Crew Offley, of Crew, in the county of Chester aforesaid,) esq; were present,*" and the said Thomas Saxon then and there, at and upon the trial aforesaid, being interrogated by the said George, lord Jeffreys, baron of Wem, lord chancellor of England, and then for that time steward of England, at what time in the month of July it was when he the said Thomas Saxon was at Mere aforesaid? He the said Thomas Saxon then and there, to wit, on the said Thursday, the 14th day of January, in the 1st year, &c. aforesaid, at Westminster aforesaid, in the said county of Middlesex, falsely, wilfully, and corruptly did say, depose, swear, answer, and upon his oath aforesaid, further did give in evidence to the said peers, of the said Henry, baron of Delemere, "*That he the said Thomas Saxon could not tell the day, because that he did not set it down in writing. but did believe that it was the 3d or 4th day*"

Indictments for Perjury.

day of June." And the said attorney-general of the said lord ^{ed Charge,}
the now king, further gives the court here to understand, and
to be informed, that the said Thomas Saxon, then and there
upon the said trial, falsely, unlawfully, wickedly and corruptly
did say, depose, swear, and upon his said oath did give in
evidence, to the said peers, of the said Henry, baron of Dele-
mere, "*That the said Henry, baron of Delemere, Robert Cotton, knt.*
and baronet, and John Crew Offley, esq; interrogated him the said
Thomas Saxon, whether he the said Thomas Saxon would undertake
to carry a message from the said H. B. of D. R. G. knt. and bart. and
J. C. O. esq; to the duke of Monmouth (meaning James late duke
of Monmouth, lately attainted for high treason) which he the
said Thomas Saxon undertook to do, and there received eleven pieces of
gold, called guinea pieces of gold, and five pounds in silver, for his
journey, (meaning the journey of the said T. S. to the said duke
of Monmouth) and that he the said T. S. then afterwards, hired a
horse and delivered the message to the duke of Monmouth, (meaning
the said late duke of Monmouth)," and that the said T. S. then
and there upon the said trial being interrogated by the said
George, lord Jeffreys, baron of Wem, lord chancellor of Eng-
land, and then steward of England, from whom he the said T.
S. had received the said money, he the said T. S. then and there
falsely, maliciously, wickedly and corruptly did say, depose,
swear, answer, and upon his said oath further did give in evi-
dence to the said peers, of the said Henry, baron of Delemere,
"*That he the said T. S. had received the said money from lord De-*
lemere," whereas in truth and in fact, in the beginning of June,
then last past, the said T. S. was not sent for to Mere, and where-
as in truth and in fact, the said T. S. was not conducted into a ^{Assign-}
lower room at Mere; and whereas in truth and in fact, the said ^{ments of}
lord Delemere, R. C. kt. and baronet, and Mr. Offley were not ^{perju y.}
there present; and whereas in truth and in fact, the said lord
Delemere, R. C. knt. and bart. and Mr. Offley, did not inter-
rogate the said T. S. whether he the said T. S. would undertake
to carry a message from them to the duke of Monmouth; and
whereas in truth and in fact, the * said T. S. did not undertake
to do it; and whereas in truth and in fact the said T. S. never ^{*P. 161.}
received eleven pieces of gold called guinea pieces of gold, nor
five pounds in silver, for his journey; and whereas in truth and
in fact, the said T. S. never received said money from the said
lord Delemere, as the said T. S. by his false and untrue tes-
timony aforesaid, falsely, maliciously, wilfully, and corruptly,
by his own proper act and consent, upon his oath aforesaid,
did say, depose, relate and give in evidence to the peers of the ^{Conclusion.}
said Henry, baron of Delemere, at and upon the said trial;—
And so the said T. S. on the said Thursday the 14th day of
January, in the 1st year of the reign, &c. aforesaid, at West-
minster aforesaid, in the said county of Middlesex, before the
said George, lord Jeffreys, baron of Wem, lord chancellor of
England,

Indictments for Perjury.

England, and then steward of England, by his own proper act and consent, and of his own most wicked mind, in the manner and form aforesaid, falsely, maliciously, wilfully and corruptly, upon his oath aforesaid, did commit wilful, voluntary, and corrupt perjury, to the great displeasure of Almighty God, in manifest contempt of the laws of this kingdom of England, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity; whereupon the said attorney-general of the said lord the now king, for the said lord the king, prays the consideration of the court here in the premisses, and that due process of law may be awarded against the said T. S. in this behalf, to make him to answer to the said lord the king of, and touching the premisses, &c. And now, to wit, on the Saturday next, after the octave of St. Hilary, in this same term, before the said lord the king, at Westminster, comes the said T. S. in his proper person, under the custody of William Richardson, gent. keeper of the goal of the said lord the king of Newgate, and having heard the information aforesaid, saith, he is not guilty thereof, and of this puts himself upon the country, and R. S. knt. attorney-general of the said lord the now king, who for the said lord the king in this behalf prosecutes, doth the like, therefore let a jury come thereupon, before the lord the king, in the court of the said lord the king, before the king himself, at Westminster, on the Monday next after the morrow of the purification of the blessed Virgin Mary, by whom, &c. the same day is given as well to the said R. S. knt. who prosecutes, &c. as to the said T. S. at which Monday next after the morrow of the purification of the blessed Virgin Mary, before the lord the king, at Westminster come, as well the said R. S. knt. who prosecutes, &c. as the said T. S. in his proper person. And the sheriff returns the names of twelve jurors, of whom none, &c. which jurors being called come, whereupon public proclamation being made here in the court, for the said lord the king, as the custom is, that if there be any person who for the said lord the king would inform the serjeant at law of the said lord the king, or the attorney-general of the said lord the king, or the jury aforesaid, of the matters aforesaid, that he should come forth and should be heard, and thereupon Thomas Jones, esq; one of the council of the said lord the king offered himself to do this, whereupon the court here proceeded to the taking of the said jury, by the said jury now appearing, who being elected, tried, and sworn to speak the truth of the premisses aforesaid, say upon their oath that the said T. S. is guilty of the premisses in the information aforesaid mentioned, as the said information above supposes against him, * whereupon all and singular the premisses being seen, and by the court here understood, it is considered, that the said T. S. shall stand in and upon the pillory, on Saturday the 13th day of February, in the

Process
prayed.

Not guilty.

Venire facias awarded.

Proclamation.

Trial at Bar.

Verdict
guilty.

*P. 162.

court.

Indictments for Perjury.

court-yard of the palace, at Westminster, between the 10th and 12th hours of the said day, for the space of one hour, with a paper fixed on his head denoting his offence, in large letters, to wit, "*Thomas Saxon convicted upon full evidence for horrid perjury,*" and that the said T. S. shall stand in and upon the pillory at Temple-bar in Fleet-street, on Monday the 15th day of February aforesaid, between the 12th hour and the 2d hour after mid-day of the said day, for the said space, with the said paper fixed upon his head, and that the said T. S. shall be whipt by the common executioner, from the gate of the city of London, called Ludgate, unto Westminster-hall in the county of Middlesex, on Thursday the 16th day of February; and that the said T. S. shall stand in and upon the pillory at Cornhill, nigh to the Royal Exchange there, on Wednesday the 17th day of February, between the 12th hour and the 2d hour after mid-day of the said day, for the space aforesaid, with the said paper fixed on his head, and that the said T. S. shall be whipt by the said common executioner, on Friday the 19th day of February aforesaid, from the gate of the city of London, called Newgate, to the gallows at Tyburn, in the county of Middlesex aforesaid, and that the sheriffs of London and Middlesex shall be aiding and assisting at the several places and times aforesaid, to execute the said judgment, and that the said T. S. pay the lord the king five hundred marks, laid upon him for a fine, for the occasion aforesaid; and that the said T. S. is committed to the keeper of the goal of Newgate, until that he shall pay the said fine.

The King *against* H. P.

Trinity, 36th Charles II.

Kent, } **T**HAT on the 22d day of February, in the
 To wit. } year, &c. in the court of the bishop of Rochester, in the county of Kent, before William Trumbell, doctor of laws to the reverend father in Christ, Francis, byons, in a divine permission, lord bishop of Rochester, vicar-general in spirituals and official principal lawfully constituted, certain allegations or articles of and concerning the crime of adultery, fornication or incontinency, committed and perpetrated by one G. B. of the parish, &c. in the county, &c. with one J. A. wife of G. A. at the promotion of the said G. A. were

Information
for perjury,
in deposit-
ions, in a
cause de-
pending in
the Eccle-
siastical
Court.

Indictments for Perjury.

exhibited, and that among other things in the 3d, 4th and 5th of the said articles, it was alledged as follows, “ (3.) *Likewise we article to you the said G. that on or about the 17th day of June, in the year of our Lord 1682, &c.*” as by the allegation and article aforesaid, relation being thereto had more fully appears: in which cause it was in such manner proceeded between the said parties, that afterwards to wit, on the day of and in the year, &c. one H. P. of the parish, &c. and others, &c. among others were produced as witnesses on the behalf of the said G. A. to prove and testify the truth of the articles aforesaid above mentioned, in the said cause exhibited as aforesaid, and

*P. 163.

Oath.

then and there were sworn, and each and every of them then and there was * sworn upon the Holy Gospel of God, to say and depose the truth, the whole truth, and nothing but the truth, to the said articles; and the said H. P. and others, &c. so being sworn, the said H. P. then and there before the said W. T. doctor of laws to the reverend father in Christ, Francis, by divine permission, lord bishop of Rochester, vicar-general in spirituals and official principal, lawfully constituted; by his own proper act and consent, and upon his oath aforesaid, falsely, maliciously, wilfully and corruptly did say, and to the said 3d article did depose among other things, “ *That this deponent came, &c.*” as by the deposition of the said H. P. to the said 3d article relation being thereto had more fully appears, whereas in truth and in fact, &c. And so the said coroner and attorney of the said lord the king, for the said lord saith, that the said H. P. and others, &c. on the said day and year, &c. at, &c. in the

Perjury.

Assign-
ment of
perjury

Conclusion.

county, &c. before the said W. T. doctor of laws to the reverend father in Christ, Francis, by divine permission, lord bishop of Rochester, vicar-general in spirituals and official principal, lawfully constituted, by their own proper acts and consents, and upon their oaths aforesaid, falsely, maliciously, wilfully and corruptly did commit wilful and corrupt perjury, and each of them by his own proper act and consent, upon his oath aforesaid, falsely, maliciously, wilfully and corruptly did

ad Ceunt.

commit wilful and corrupt perjury, &c. And the said coroner and attorney of the said lord the now king further shews, that in the said cause it was in such manner proceeded, that afterwards to wit, on the day and year aforesaid, certain interrogatories in writing, in the due manner were exhibited in the said court, before the said W. T. on the behalf of the said G. B. to the witnesses produced, or to be produced on the part of the said G. A. touching the matter aforesaid abovementioned, among other things to be alledged and articulated, of which interrogatories, the tenor of the seventh interrogatory follows in these words, “ *Likewise the said H. P. is interrogated, whether did not you on or about the month of January last, in the presence and hearing of Mr. Pordage, &c.*” as by the said interrogatory relation

Indictments for Perjury.

relation being thereto had more fully appears; and that the said H. P. then and there, before the said W. T. doctor of laws to the reverend father in Christ, Francis, by divine permission, lord bishop of Rochester, vicar-general in spirituals and official principal, lawfully constituted, was sworn upon the Holy Gospel of God, to answer and depose the truth, the whole truth, and nothing but the truth, to the said interrogatory, and the said H. P. then and there so being sworn, the said H. P. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, then and there before the said W. T. doctor of laws, by his own proper act and consent, falsely, maliciously, wilfully and corruptly did say, depose, and to the said seventh interrogatory did negatively answer, (*"never declaring any such thing to the persons, &c."*) as by the deposition, &c. whereas in truth and in fact, &c. And so the said coroner and attorney of the said lord the now king saith, that the said H. P. on the day and year, &c. at, &c. before the said W. T. doctor of laws to the reverend father in Christ, Francis, by divine permission, lord bishop of Rochester, vicar-general in spirituals and official principal, lawfully constituted, by his own proper act and consent, upon his oath aforesaid, did commit wilful and corrupt perjury, * to the great displeasure of Almighty God, against the laws of this kingdom of England, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon the said coroner and attorney, &c.

Oath.

Perjury.

Assignment of perjury.

Conclusion.

* P. 164.

The King against Hutchinso.

Easter, 36th Charles the 2d.

London, } **T**HAT on the day, and in the year, &c. a certain process, containing a citation in writing, concerning a certain decree issued out of the consistorial court of the reverend father in Christ, Henry, by divine permission, lord bishop of London, under the seal of his office directed to all and singular the clerks and curates whomsoever in and throughout his whole diocese of London, wheresoever constituted, by which process reciting that, whereas the reverend father in Christ, Thomas, by divine permission, lord bishop of Lincoln

Information for perjury, in an affidavit in a cause in the Spiritual court, concerning the service of a process of that court.

or

Indictments for Perjury.

or his vicar-general in spirituals, or his lawful surrogate, rightly and duly proceeding, one T. I. of, &c. in the county, &c. and in the diocese of London, administrator of the goods, rights and credits of J. I. late of, &c. and of the diocese of Lincoln aforesaid intestate, which were not administered by S. I. his relict and administratrix of his goods, rights and credits, then also deceased, had oftentimes diligently sought by the mandatary lawfully authorised, to cite him personally to the effect within written, who had nevertheless so absconded, that he could not be personally cited, as it was before him in that behalf alledged, at the petition of the party, John Huffey, of H. &c. uncle to the said S. I. lately deceased, and residuary legatee in the testament or last will of the said S. I. widow deceased, and administrator with the said will annexed of the goods, rights and credits of the said deceased, had decreed that he should be cited and summoned to judgment, at the day, hour and place, and to the effect in the said process underwritten, and in the manner and form in the same within described, because that the said T. I. hath dwelt out of the diocese of Lincoln, and within his diocese of London, so that he could not be cited by his ordinary authority to the effect under written, therefore, had requested Henry, by divine permission, bishop of London, since that the said bishop of London was willing in the aid of justice, to cite by his authority, the said T. J. to the effect underwritten, therefore the said Henry, lord bishop of London, to all and singular the clerks and curates in and throughout the diocese of London, wheresoever constituted, jointly and severally by the process aforesaid, did give in charge, and firmly enjoining did command that they should peremptorily cite or cause to be cited, the said T. J. personally, if he could be so cited, and there was a free access for them so to cite him, otherwise publicly by affixing the presents upon the gates or outward doors of the parochial church of, &c. or of the house of his usual residence, where he dwelt or was accustomed to dwell, the said present * writing being for some time put there, and a true copy of the said process being there left, and by other ways, methods and means, by which that might be lawfully better and more effectually done, so that such citation might most likely come to his knowledge, that he should appear before the said reverend father the lord bishop of London, or his vicar aforesaid, or his surrogate, or some other competent judge in that behalf, in the cathedral church of St. Mary of Lincoln, in the consistorial place there, on the day of in the year, &c. next ensuing, between the eighth and twelfth hours before mid-day, at the usual hours of hearing causes, and doing justice there, to exhibit the letters of administration, as well of the goods, rights and credits of the said S. J. deceased, as

Indictments for Perjury.

of the goods, rights and credits of the said J. J. deceased, by the said S. J. his relict, unadministered to the said T. J. howsoever committed and granted, and to give bond with good and sufficient sureties for the faithful administration of the goods, rights and credits as well of the said S. J. as of the said J. J. deceased, otherwise to shew and propound good and lawful cause if he had, or knew any thing to say for himself, why the said divers letters of administration should not be revoked and quashed, and new letters of administration of the goods, rights and credits as well of the said S. J. lately deceased, as of the said J. J. deceased, unadministered by the said S. J. his relict, to the said J. H. the uncle of the said S. J. lately deceased, and residuary legatee named in the testament or last will of the said S. J. widow deceased, and administrator with the said will annexed in the due form of law should not be respectively committed and granted, and further at the promotion of the said J. H. to do and receive that which was just in that behalf; and the said lord bishop of London, to his said clerks and curates in and throughout his diocese of London aforesaid, by the said process firmly enjoining, did command that they should peremptorily intimate, or should cause to be intimated to the said T. J. that if he at the said day, hours and place, to the effect aforesaid should not appear, or appearing should not shew sufficient cause to the contrary, the said reverend father or his vicar-general in spirituals, or his surrogate, or some other competent judge in that behalf, did intend to proceed, and would proceed to the revocation and quashing of the said divers letters of administration, as well of the goods, rights and credits of the said S. J. lately deceased, as of the goods, rights and credits of the said J. J. deceased, unadministered by the said S. J. and his relict deceased, howsoever granted, and also to the committing and granting of new letters of administration, as well of the goods, rights and credits of the said S. J. deceased, as of the goods, rights and credits of the said J. J. deceased, by the said J. J. widow, unadministered as aforesaid, to the said J. H. the absence or rather the contumacy of the said T. J. in anywise notwithstanding, and what they should do in the premisses, they should duly certify to the said bishop of London, his vicar, or his surrogate, or some other competent judge in that behalf, together with the process aforesaid. And the said coroner and attorney of the said lord the now king, for the said lord the king further gives the court here to understand and to be informed that one W. * H. of, &c. * P. 166
on the day of and in the year, &c. at, &c. in
his proper person came before T. E. knight and doctor of laws to
the said reverend father in Christ, Henry, by divine permission,
lord bishop of London, then and as yet vicar-general in spiri-
tuals, and then official principal lawfully constituted, and then
and there of and concerning the serving the process aforesaid,
upon

Indictments for Perjury.

Oath.

upon the said T. J. personally, and the delivering to the said T. J. a true copy of the same, did take his corporal oath upon the Holy Gospel of God, before the said T. E. doctor of laws, then being vicar-general in spirituals and official principal, lawfully constituted as aforesaid, [the said T. E. then having full power and authority to administer the oath aforesaid, to the said W. H. in that behalf] and that the said W. H. so being sworn, then and there, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and lightly regarding the laws of this kingdom of England, nor in anywise fearing the penalties in the same contained, then and there to wit, on the said day and year, &c. at, &c. before the said T. E. knt. doctor of laws, vicar-general in spirituals and official principal as aforesaid, of his own most wicked mind, by his own proper act and consent, falsely, maliciously, wickedly, wilfully and corruptly did say, depose, swear, and upon his oath, upon the process aforesaid, then and there did make affidavit in writing, as follows in these English words following to wit, "*This decree (meaning the process aforesaid) was personally served upon the within named T. J. (meaning the said T. J. in the said process as aforesaid named) in the parish of, &c.*" as by the said oath of the said W. H. in writing remaining, affixed in the office of the register of the

Allegations
of perjury.

said bishop of Lincoln more fully appears; whereas in truth and in fact the said process nor decree was not personally served upon the said T. J. in the said parish, &c. as the said W. H. in and by his false oath aforesaid, by his own proper act and consent, falsely, maliciously, wilfully and corruptly in the form aforesaid, did say, depose, swear and affirm. And so the said coroner and attorney of the said lord the now king, for the said lord the king saith, that the said W. H. on the said day

Conclusion.

and year, &c. at, &c. before the said T. E. knt. doctor of laws, then vicar-general in spirituals and official principal as aforesaid, [the said T. E. then having sufficient power and authority to administer the said oath to the said W. H. in that behalf] of his own most wicked mind, by his own proper act and consent, falsely, maliciously, wickedly and corruptly upon his oath aforesaid, in the manner and form aforesaid, did commit wilful and corrupt perjury, to the great displeasure of Almighty God, to the evil example of all others in the like case offending, and against the peace, &c. whereupon, &c.

Indictments for Perjury.

* *The King against Hawkins.*

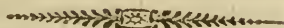
*P. 167.

To wit. } **T**O be informed, that John Hawkins, of, &c. Information
gent. on the 28th day of May, in the 27th against a
year of the reign of the lord Charles the 2d, &c. late king, commissio-
&c. by virtue of a writ of dedimus potestatem, issuing out of in a writ of
the court of the Chancery of the said lord the king, to him dedimus
and to others directed, bearing date the 22d day of May, in potestatem,
the 27th year, &c. aforesaid, to receive the acknowledgment of fine, for
a certain fine of John Thompson, upon a writ of covenant perjury in
depending before the justices of the said lord the late king of an affidavit
the bench, between Richard Winterbottom and Elizabeth his caption of
wife, complainants, and the said John Thompson, desorciant, the fine,
of one messuage, one barn, one stable, one garden, one or- whereas the
chard and common of pasture for all cattle, with the appurte- person who
nances in I. otherwise E. in the county of H. to levy a fine acknow-
thereof between them, before the said justices of the said ledged it
bench, according to the law and custom of England, and plain- was an
ly and openly to return the acknowledgment of the said fine, idiot.
before the said justices of the said bench under their seals, that
the said fine might be levied between the said parties of the
said premisses, before the said justices, according to the law
and custom aforesaid, and that the said J. H. on the day
of, &c. in the 27th year of the reign of the said Charles the
2d, late king, &c. aforesaid, at Serjeant's-inn, in the parish of
St. Dunstan in the west, London, before H. W. knight, then
one of the justices of the said lord the king of the bench, be- Oath.
ing sworn upon the Holy Gospel of God, to speak the truth,
and nothing but the truth, in and concerning the premisses, he
the said J. H. then and there by his own proper act and consent Perjury.
falsely, wilfully and corruptly did say, swear, and affirm upon
his oath, "*That the said fine was executed in the due manner*;"— Affign-
whereas in truth and in fact, the said J. T. always from the ment of
time of his nativity was an idiot, and not capable to levy the perjury.
said fine, and the said fine was not executed in the due manner.
And so the said coroner and attorney of the said lord the now
king, for the said lord the king saith, that the said J. H. on
the said day of in the 27th year of the reign of the
C c said

Indictments for Perjury.

faid lord Charles the 2d, late king of England, &c. at Serjeant's-inn, in Chancery-lane, in the faid parish of St. Dunstan in the west, London aforefaid, before the faid H. W. knt. then one of the justices of the faid lord the late king of the bench, (the faid H. W. then having fufficient power and authority to adminifter the faid oath to the faid J. H.) faifely, maliciously, wilfully and corruptly did commit wilful and corrupt perjury, to the great difpleafure of Almighty God, in contempt of the laws of this kingdom of England, to the evil and pernicious example of all others, &c. and againft the peace, &c. whereupon the faid coroner and attorney, &c.

Indictments for subornation of Perjury.



* 2. For Subornation of Perjury. *P. 163.

The King against Margerum.

Hilary, 3d. James II.

Surrey, } **T**HAT John Margerum, late of, &c. in the coun- Information
To wit, } ty, &c. being a person of evil name and fame, for endea-
and of dishonest conversation, and not having the fear of God vouring to
before his eyes, but being moved and seduced by the devil, and suborn one
devising, and falsely, unlawfully, unjustly, fraudulently, and de- swear falsely
ceitfully intending to bring and draw one Francis White into that T. W.
great anxiety of mind, and into hatred, contempt and scandal had spoken
with the said lord the king, and with the people of this king- reflecting
dom of England; and also to cause the said Francis White to words of
be accused, impleaded, indicted and convicted of the speaking, lord chan-
publishing and uttering of divers scandalous and opprobrious cellor Jef-
words by him the said Francis White, against George, lord Jeff- freys.
freys, baron of Wem, lord chancellor of England, and late chief justice, assigned to hold pleas before the king himself, and also that the said J.M. to fulfil, perfect, and bring to effect his said devices, practices, and intentions, on the day and year, &c. with force and arms, &c. at, &c. in the county, &c. false- ly, wickedly and diabolically did solicit, labour and endeavour to procure, suborn, and cause one R. A. and others, for divers great sums of money, by him the said J. M. to the said R. A. then and there promised, contrary to the truth, falsely, unlaw- fully and diabolically to swear, and upon his oath to give in evidence, that the said Francis White did say, publish and ut- ter, these false, feigned, scandalous, opprobrious, and defama- tory English words following, of the said George, lord Jeffreys, baron of Wem, lord chancellor of England, and late chief justice of the said lord the king, assigned to hold pleas before the king himself, to wit, "*God damn Jeffreys*, (meaning the said George, lord Jeffreys, now lord chancellor of England,

Indictments for subornation of Perjury.

21 Court.

*P. 169.

and then chief justice of the said lord the king, assigned to hold pleas before the king himself) *he* (again meaning the said George, lord Jeffreys, &c.) *is a rogue for serving Oates so*, (meaning one T. O. who in the said court of the said lord the king, before the king himself, in the due manner was indicted and convicted of certain horrible and wilful perjuries, and had stood in and upon the pillory, in several places in and about the city of London and county of Middlesex, and had been whipped from Newgate to the gallows at Tyburn.") And the coroner and attorney of the said lord the king, for the said lord the king further gives the court here to understand and to be informed, that the said J. M. to induce and cause the said R. A. to swear, and upon his oath to give in evidence, and prove against the said F. W. the scandalous * and opprobrious words aforementioned, then and there falsely, unlawfully, wickedly and diabolically did promise to give the said R. A. the sum of 20l. to the great damage, disquiet and disgrace of the said F. W. to the evil example, &c. and against the peace of our said lord the king his crown and dignity, &c.

The King *against* Tasborough, and others.

Indictment

for subornation of perjury, in endeavouring to persuade a witness, that he could not give evidence against certain persons indicted for high treason, notwithstanding the rewards after the trial or before, and his evidence, promising to him a reward for a perjury, and

To wit. } HERETOFORE to wit, on the day, &c. last past, before the lord the king at Westminster, by the oath of twelve jurors, good and lawful men of the said county, sworn and charged to enquire for the said lord the king, and for the body of the said county it is presented, that whereas one Thomas White otherwise Whitebread, clerk, John Fenwick, clerk, William Harcourt otherwise Harrison, clerk, John Cavan, clerk, Anthony Turner, clerk, and Jacob Cocker, false traitors, against our most serene lord Charles the 2d, by the grace of God of England, &c. on the 13th day of June, in the 31st year of the reign of the said lord the now king, at the delivery of the goal of the said lord the now king of Newgate, held by adjournment for the said county, at Justice-hall, in the old Baily, in the suburbs of the city of London, before the justices then and there assigned to deliver said goal, stood indicted for compassing the death and final destruction of the said lord the king, and for other high treasons in the same indictment specified, and afterwards at the said session, the said T. W. otherwise &c. J. F. W. H. otherwise &c. J. C. and A. T. by a jury of the county, then and there

Indictments for subornation of Perjury.

there, in the due manner, were thereof tried and convicted, promising and by the judgment of the court, then and there in the due manner were attainted, as appears by the record thereof, to the jurors aforesaid shewn in evidence; and whereas also one Richard Langhorn, esquire, afterwards to wit, at the delivery of the goal of the said lord the king, held by adjournment for the city of London, at Justice-hall aforesaid, before the justices then and there assigned to deliver the goal aforesaid, on the 14th day of June, in the 31st year, &c. aforesaid, in the lawful manner stood indicted for compassing the death and final destruction of the said lord the king, and for other high treasons in the same indictment specified, and afterwards there-upon at the said session was tried by a jury of the country, and then and there by the judgment of the court was attainted, as appears by the record thereof, to the jurors aforesaid, in like manner shewn in evidence; and whereas also one Stephen Dugdale, upon the several trials of the said indictments was produced and sworn as a witness on the behalf of the said lord the now king, and then and there in the lawful manner did give material evidence against the said T. W. W. H. J. G. A. T. and R. L. to prove them guilty of the matter in the said indictment specified; one John Tasburgh, late of, &c. gent. otherwise called John Tisburgh, of, &c. gent. and Anne Price, of, &c. spinster, well knowing the said premisses, and being persons diabolically affected towards our most serene lord Charles the 2d, now of England, &c. king, &c. their * supreme and natural lord, and devising and as much as in them lay, intending to disturb the peace and the public tranquillity of this kingdom of England, and to prevent and stifle the further discovery of the said treasons, and as much as in them lay to elude the due course of justice, and to cause and procure that it might be believed, that the persons so as aforesaid attainted, were not attainted justly, they the said J. T. and A. P. before the trial of the said W. H. to wit, on the said 13th day of June, in the 31st year, &c. at the parish of St. Andrew Holborn, in the county of Middlesex, falsely, unlawfully, and corruptly, and against the duty of their allegiance did solicit, suborn and endeavour to persuade, and each of them then and there did solicit, suborn and endeavour to persuade the said Stephen Dugdale, that he the said Stephen Dugdale was not a witness, and that he could not give evidence against the said W. H. otherwise, &c. upon the trial of the said W. H. otherwise, &c. for the treasons aforesaid, and that the said J. T. and A. P. after the said trial to wit, on the 14th day of October, in the 31st year, &c. aforesaid, at the parish of St. Andrew Holborn, in the county of Middlesex, falsely, unlawfully, unjustly, advisedly, and against the duty of their allegiance, did solicit, suborn and endeavour to persuade, and

1st Count,
persuading
the witness
that he
could not
give evi-
dence.

* P. 170.

2d Count.
promising
the witness
after the
trial, sums
of money
to retract
his evidence
each and to with-

Indictments for subornation of Perjury.

draw him-
self into
parts un-
known,

each of them then and there falsely, unlawfully, unjustly, advisedly, did solicit, suborn and endeavour to persuade the said S. D. that he the said Stephen Dugdale should retract and deny the whole evidence, which he the said S. D. had given as aforesaid, against the said traitors, they the said J. T. and A. P. then and there falsely, unlawfully, unjustly, advisedly and corruptly promising, and each of them promising to the said S. D. great sums of money and goods if he the said S. D. would retract and deny the whole evidence given by him the said S. D. against the said traitors as aforesaid, and would withdraw and absent himself the said S. D. to places unknown, and beyond the seas. And that the said J. T. and A. P. to fulfil and perfect their most wicked devices, practices and intentions aforesaid, afterwards to wit, on the 14th day of October, in the 31st year, &c.

3d Count,
producing
to the wit-
ness a paper
purporting
to be a re-
traction of
his evidence

aforesaid, at the parish of St. Andrew Holborn, in the said county of Middlesex, falsely, unlawfully, unjustly, advisedly and corruptly, against the duty of their allegiance did produce and show, and each of them then and there did shew to the said S. D. a certain note in writing, the tenor of which note follows in these English words following, to wit, "*Being touched with a remorse of conscience and hearty sorrow for the great ill I did in coming in a witness against the catholicks, and there speaking things which in my own conscience I knew to be very far from the truth, I think myself bound in duty both to God and man, and for the safety of my own soul, to make a true declaration how I was drawn into this wicked action, but being very well satisfied that I shall create myself very many powerful enemies, on this account, I have retired myself to a place of safety, where I will with my own hand discover the great wrong that hath been done the catholicks, and I hope it may gain belief; and likewise I protest before Almighty God, that I have no motive to induce me to this confession, but a true repentance for the mischiefs I have done, and hope Almighty God will forgive me.*"

* P. 171.
4th Count,
Endeavour-
ing to per-
suade him
to sign it.

And that the said J. T. and A. P. afterwards to wit, on the said 14th day of October, in the 31st year, &c. aforesaid, at the parish of St. Andrew Holborn aforesaid, in the county of Middlesex aforesaid, falsely, unlawfully, unjustly, advisedly, corruptly, and against the duty of their allegiance, did solicit and endeavour to persuade, and each of them then and there did solicit and endeavour to persuade the said S. D. to sign and subscribe the said note in writing, so as aforesaid produced and shewn to the said S. D. and then and there, falsely, unlawfully, unjustly, advisedly and corruptly did promise, and each of them then and there did promise that if he the said S. D. would sign and subscribe the said note in writing, that then he the said S. D. should have and receive a great sum of money, to the evil and pernicious example of all others in the like case offending, and against the peace, &c. &c.

The

Indictments for subornation of Perjury.

The King and the Duke of Buckingham *against*
Hickley, and others.

Hilary, 32d Charles II. Roll 46.

Towit, } **T**HAT Maurice Hickley, late of the parish of Indictment
St. Martin in the fields, in the county of Mid- for subor-
dlesex, gent. otherwise called Maurice Higgins, late of the nation of
parish aforesaid, in the county aforesaid, gent. Robert Smith, perjury, in
of, &c. gent. otherwise called Robert Jones, of, &c. gent. endeavour-
Hayley, of the parish aforesaid, in the county aforesaid, gent. Johning to per-
Thomas Curtis, of the parish aforesaid, in the county aforesaid, gent. suade per-
said, gent. Thomas Blood, of the parish of St. Margaret, sons to
Westminster, in the said county, gent. Edward Christian, late swear against
of the parish of St. Martin in the fields, in the county of the Duke of
Middlesex, esquire, Arthur O'Brien, of the parish of St. Mar- Buckingham,
tin in the fields, in the county of Middlesex, gent. Philip Le he was
Mar, late of the parish of St. Martin in the fields, in the guilty of
county of Middlesex, gent. Jane Bradly, late of the parish of buggery.
St. Martin in the fields, in the county of Middlesex, widow,
on the 17th day of March, in the 30th year, &c. with force
and arms, &c. at the parish of St. Martin in the fields, in the
county of Middlesex, falsely, unlawfully, unjustly, wickedly,
diabolically and corruptly, by unlawful ways and means, among
themselves did practise, conspire, intend and devise the most
noble George, Duke of Buckingham, then and as yet one of
the peers and lords of this kingdom of England, not only to
despoil and deprive of his honour, esteem and reputation, but
also to take away and destroy the life and estate of the said
Duke, and to cause the said George, Duke of Buckingham,
to be taken, arrested and condemned to death, for the detesta-
ble crime and offence of sodomy and buggery, by him the said
George, Duke of Buckingham supposed to be committed with
one Sarah Harwood, and with divers other persons, against the
order of nature, and also for the felonious killing or transport-
ing into parts beyond the seas of the said S. H. to stifle and
take away her evidence of and concerning the crimes and of-
fences

Indictments for subornation of Perjury.

*P.172. fences of sodomy and buggery aforesaid, * and that the said M. H. otherwise, &c. R. S. otherwise, &c. J. H. T. C. T. B. E. C. A. O. P. L. M. and J. B. to fulfil and perfect their most wicked devices, conspiracies and diabolical intentions aforesaid, afterwards and at divers days and times between the said 17th day of March, in the 30th year, &c. aforesaid, and the day of the taking of this inquisition, at the parish, &c. falsely, unlawfully, unjustly, maliciously, wickedly and diabolically did solicit, labour and endeavour to persuade, procure, suborn and cause one Philemon Coddan and Samuel Ryther, then or late servants of the said G. D. of B. for divers great sums of money, promotions and preferments, against all truth, falsely, unlawfully, unjustly, wickedly and diabolically to swear, and to say in evidence upon their oaths, upon the trial of the said G. duke of B. for the crimes and offences aforesaid, that the said crimes and offences aforesaid, were committed by the said G. duke of B. And to induce and cause them the said P. C. and S. R. to swear, and to say in evidence, and to prove against him the said G. duke of B. the crimes and offences aforesaid, they the said M. H. otherwise, &c. R. S. otherwise, &c. J. H. T. C. T. B. E. C. A. O. P. L. M. and J. B. within the time aforesaid, to wit, between the said 17th day of March, in the 30th year, &c. aforesaid, and the day of the taking of this inquisition, at the said parish of St. Martin in the fields, in the said county of Middlesex, them the said P. C. and S. R. with wine, entertainments, and with other allurements, unlawfully, unjustly, falsely, corruptly and diabolically, in prosecution of their conspiracies aforesaid, did compass and lay hold of, and then and there to wit, within the said time, in the parish, &c. aforesaid, falsely, unlawfully, unjustly, wickedly, diabolically, and in prosecution of their said conspiracies did expend divers great sums of money upon the said P. C. and S. R. in the whole amounting to the sum of 150l. and during their entertainments, and drinking of wine, and allurements, as well as otherwise then and there to wit, within the time aforesaid, in the parish and county aforesaid, unlawfully, unjustly and corruptly, and in prosecution of their said conspiracies, divers great advantages and promotions, to the said P. C. and S. R. did promise, and each and every of them did promise, if they the said P. C. and S. R. in the manner and form aforesaid, would swear and prove the crimes and offences aforesaid, to be perpetrated by him the said G. duke of B.

2d Count. And the jurors aforesaid, upon their oath aforesaid, further say and present that the said M. H. otherwise, &c. R. S. otherwise, &c. J. H. T. C. T. B. F. C. A. O. P. L. M. and J. B. afterwards to wit, between the said 17th day of March, in the 30th year, &c. aforesaid, and the taking of this inquisition, at the parish of St. Martin in the fields, &c. falsely, unlawfully, unjustly,

Indictments for subornation of Perjury.

unjustly, corruptly, diabolically and in prosecution of their said conspiracies, did give, put and pay into the hands of the said P. C. divers sums of money, in the whole amounting to the sum of 40l. of the lawful money of England, for and towards the maintenance and incitement of the said P. C. to do, compass and perfect their most wicked, unlawful and diabolical devices, practises and intentions aforesaid, and that the said M. H. otherwise, &c. R. S. otherwise, &c. J. H. T. C. T. B. E. C. A. O. P. L'M. and J. B. afterwards to wit, within the time aforesaid, in the parish, &c. aforesaid, falsely, unlawfully, unjustly, wickedly, corruptly and diabolically in the prosecution of their conspiracies aforesaid, upon themselves did assume, and to the said P. C. faithfully did promise, that he the said P. C. should have the friendship and respect of certain peers, and of men of great power and rank, and also that he should have a place or office in and about the business of the customs of the said lord the now king, called the place or office of a land-waiter, of the yearly value of 200l. and 40l. in money, and a certain maintenance during life, if he the said P. C. would swear and say in evidence that the crimes and offences aforesaid, in the manner and form aforesaid, were perpetrated by the said G. duke of B. And the jury aforesaid upon their oath aforesaid, further say and present, that the said M. H. otherwise, &c. R. S. otherwise, &c. J. H. T. C. T. B. E. C. A. O. P. L'M. and J. B. afterwards to wit, within the time aforesaid; to wit, between the said 17th day of March, in the 30th year, &c. aforesaid, and the day of the taking of this inquisition, at the parish, &c. falsely, unlawfully, unjustly, corruptly and diabolically, in prosecution of their said conspiracies, did give, deposit and pay into the hands of the said S. R. divers other sums of money, in the whole amounting to 50l. for and towards the maintenance and incitement of the said S. R. to do and compass their unlawful and most wicked devices aforesaid, and that the said M. H. otherwise, &c. R. S. otherwise, &c. J. H. T. C. T. B. E. C. A. O. P. L'M. and J. B. afterwards to wit, within the time aforesaid, to wit, between the said 17th day of March, in the 30th year, &c. aforesaid, and the day of the taking of this inquisition, at the parish of St. Martin in the fields, in the said county of Middlesex, falsely, unlawfully, unjustly, corruptly and diabolically, and in prosecution of their said conspiracies upon themselves did assume, &c. and to the said S. R. did faithfully promise, that he the said S. R. should have the friendship of certain peers, and of men of great estate and degree, and also should have a place or office in and about the business of the customs of the said lord the now king, and also should have money to redeem his estate, being conveyed in mortgage by him the said S. R. for above the sum of 300l. and also 300l. more in money numbered, if he the said S. R. in the manner and form aforesaid,

*P. 173.

3d Count.

Indictments for subornation of Perjury.

4th Count. said, would swear and say in evidence against him the said G. duke of B. that the crimes and offences aforesaid were committed by him the said G. duke of B. And the jurors aforesaid upon their oath aforesaid, further say that the said M. H. R. S. J. H. T. B. E. C. A. O. P. L'M. and J. B. afterwards to wit, within the time aforesaid, to wit, between the said 17th day of March, in the 30th year aforesaid, and the day of the taking of this inquisition, at the parish, &c. aforesaid, falsely, unlawfully, unjustly, wickedly, corruptly, diabolically, and in prosecution of the said conspiracies, and in order to fix and secure them the said P. C. and R. S. to perform and execute their malicious devices, practises and conspiracies aforesaid, did make, compose and write, and did cause to be made, composed and written, a certain false and scandalous writing in paper, the tenor of which writing, follows in these English words and figures following to wit, "*Whereas Samuel Ryther and Philip Coddam, gent. in St. Martin's parish in the fields, do hereby confess and declare that Sarah Harwood, of the city of London, gentlewoman, did confess before us, that the lord duke of Buckingham was, with his privy members as far in both her private parts as he could go, with forcible entrance, stopping her breath, and that the said lord duke of Buckingham, hath since conveyed the said Sarah Harwood out of the way, by which means the king lost his evidence, and do further * declare, that since that time the said duke did order the said Sarah to be murdered, and since that time is murdered or sold beyond sea, and do further declare that the said duke hath committed said sin of sodomy with several more, which we are ready to prove when we are required as the king's evidence, witness our hands, this 12th day of January, 1679-80.*" And although all and singular the matters in the said writing contained, were and as yet are altogether false and scandalous, and against all truth, nevertheless the said M. H. &c. afterwards to wit, within the said time to wit, between the said 17th day of March, in the 30th year, &c. aforesaid, and the taking of this inquisition, at the parish, &c. aforesaid, falsely, unlawfully, unjustly, wickedly, corruptly and diabolically, and in prosecution of their said conspiracies against the said G. duke of B. his life, estate and honour, then and there the said writing in the said paper, to the said S. R. did produce, shew and present, and each and every of them then and there, falsely, unlawfully, unjustly, wickedly, corruptly and diabolically, in prosecution of their conspiracies aforesaid, did produce, shew and present the said note to the said S. R. and then and there falsely, unlawfully, wickedly, corruptly and diabolically in prosecution of their conspiracies aforesaid, a certain purse of gold, in which were then contained three hundred pieces of gold of the value of 300l. to the said S. R. did present, and to the said S. R. did promise to give, and each and every of them then and there did promise to give if he the said S. R. would sign and subscribe the

*P. 174.

said

Indictments for subornation of Perjury.

said writing with his name and proper hand writing, which to do the said S. R. then and there entirely did refuse, which device, conspiracy, subornation and unlawful, and diabolical practise of the said M. H. otherwise, &c. R. S. &c. J. H. T. C. T. B. E. C. A. O. P. L. M. and J. B. are to the great danger of the life, and to the destruction of the said G. duke of B. to the manifest perversion of the laws of this kingdom of England, to the evil example, &c. and against the peace, &c. &c.

The King against Hilton and Browne.

Middlesex, } **T**HE jurors, &c. that after the 10th day of ^{Indictment}
To wit. } May, in the year of our Lord 1673, to wit, ^{for subor-}
on the 22d day of August, in the 2d year of the reign of our ^{nation of}
lord James the 2d, the now king, &c. in the mansion-house of ^{perjury.}
one Susannah Herne, widow, situate in the parish of St. Michael, Queen-hithe, London, a certain unlawful conventicle was held, where were five persons present, every of them being above the age of 16 years, and natural subjects of this kingdom of England, over and above those of the family of the said Susannah Herne, under colour of the exercise of religion, in another manner than according to the liturgy and practise of the church of England, against the form and effect of the statute, in such cause thereupon lately made and provided. And that George Hilton, late of, &c. and John Brown, late of, &c. being men of evil name, fame and conversation, well knowing that one Mary Parker, wife of T. Parker, of the parish, &c. was not present at the said conventicle, * nor ^{P. 175.} could upon her oath depose any information upon her knowledge of the said conventicle; and devising and intending to procure the said Mary Parker to commit wilful and corrupt perjury, afterwards and within three months, after the conventicle aforesaid, so as aforesaid had, to wit, on the 24th day of August, in the 2d year, &c. aforesaid, at the parish of St. Giles, without Cripplegate, in the said county of Middlesex aforesaid, with force and arms, &c. falsely, maliciously, wickedly and unlawfully did move and incite the said M. P. by corrupt and wicked persuasion to commit and perpetrate wilful and corrupt perjury, and then and there falsely, maliciously and unlawfully did persuade, incite, suborn and counsel the said M. P. to go before one of the justices of the said lord the king, assigned to preserve the peace within the city of London, and to make oath before the said justice, of the truth of the existence of the said conventicle, and further to persuade and procure the said M. P. to make the said false oath, they the said

Indictments for subornation of Perjury.

G. H. and J. B. then and there did say and inform the said M. P. that the said M. P. to prove the said conventicle, might swear by the maiden name of the said M. P. being Mary Winston, and that then she the said Mary would not be discovered; and further to procure the said Mary to commit the said perjury, they the said G. and J. then and there informed, and for the truth affirmed, that upon the proof and conviction of the said conventicles, thirty pounds of the lawful money of England, would be levied upon the said Susannah Herne, the mistress of the said house where the said conventicle was held, and that ten pounds thereof would be divided among the informers of the said conventicle, to wit, among the said G. H. J. B. and the said Mary, to the great damage and disquiet of the said Mary, to the evil example, &c. and against the peace, &c.

The defendants were tried upon this indictment, at Hicks's-hall, and found guilty, and judgment for fine and pillory was given against them, whereupon a writ of error was brought, and judgment reversed in B. R. for want of the words, proborum & legalium hominum, in the caption of the indictment; the case is reported 3 Mod. 122.

The King against Brooks.

Trinity, 36th Charles II.

Information for em-
 bracery, for
 persuading
 one who
 was sum-
 moned as a
 juror, to
 appear and
 give his
 verdict in
 favour of
 the defend-
 ant in the
 issue, and
 to influence
 the rest of
 the jury to
 do the like.

County of }
 Worcester, }
 To wit. } THAT Anthony Brooks, of the parish, &c.
 on the day and year, &c. then knowing that a
 certain jury of the said county of W. was
 impanelled and returned to try the said issue, joined in the court
 *P. 176. of the said lord the king of the common bench, * at West-
 minster, in the county of Middlesex, between P. S. plaintiff,
 and R. F. defendant, in a plea of trespass upon the case; and
 then knowing that a trial was to be had upon the said issue, on
 the said day of and in the year aforesaid, before, &c.
 then justices of the said lord the king, assigned to take assizes
 for the county of Worcester aforesaid, the said Anthony Brooks,
 then a common embracer of jurors, and devising, and
 wickedly and unlawfully intending to hinder the due and law-
 ful trial of the said issue, by the jurors aforesaid impanelled
 and returned to try the said issue, on the said day and year, &c.
 at, &c. in the county, &c. unlawfully, wickedly and unjustly,
 on behalf of the said R. F. defendant in the said cause, did
 solicit and persuade one B. S. of, &c. one of the jurors of the
 said

Indictments for subornation of Perjury.

saïd jury, impanelled and returned for the trial of the saïd issue, at the trial aforesaid, upon the jury aforesaid, to appear and attend in favour of the saïd R. F. (the saïd Anthony Brooks then well knowing that the saïd B. S. was one of the jurors returned and impanelled to try the saïd issue) and then and there did say and utter to the saïd B. S. one of the jurors aforesaid, divers words and discourses by way of commendation, on behalf of the saïd R. F. the defendant, and then and there did say and utter to the saïd B. S. divers words and discourses, by way of dispraise of the saïd P. S. the plaintiff; and that the saïd Anthony Brooks, then and there unlawfully and corruptly, did move and desire the saïd B. S. to solicit and perswade the other jurors impanelled and returned to try the saïd issue, to give a verdict for the saïd R. F. the defendant in the saïd cause, And that the jurors of the saïd jury, sworn for the trial of the saïd issue, by reason of the speaking of the saïd words and discourses by way of commendation, on the behalf of the saïd R. F. the defendant, did give their verdict for the saïd R. F. the defendant, in great contempt of the saïd lord the king and of his laws, to the manifest perversion and destruction of justice, to the great damage and injury of the saïd P. S. to the evil example, &c. and against the peace, &c.



Indictments for maintenance of Suits.

The King against Langrish.

Indictment
for main-
taining ade-
fendant in
a suit in
Chancery,
by furnish-
ing money
to counsel,
agents, &c.

*P. 177.

To wit. } **T**HAT whereas in the term of St. Michael, in the year of our Lord, 1655, one William Walker, of Charter-house, Heydon, in the county of Somerset, esquire, did exhibit his bill of complaint in the high court of Chancery, the said court then being held at Westminster, in the county of Middlesex, against Theodore Langrish, Joyse his wife, and Robert May and others, and among other things in and by the said bill did pray remedy and relief, of and concerning a certain statute of the penalty of 2800l. in and by the said bill supposed to be before that time acknowledged by one Clement Walker, esquire, deceased, the * father of the said William Walker, to one Christopher May, deceased, upon which statute it was by the said bill alledged, that the said Joyse, as the administratrix of one Robert May, deceased, the father of the said Joyse had claimed and demanded the sum of 600l. although the said sum of 600l. was fully satisfied and paid, as by the bill aforesaid, affiled in the said high court of Chancery more fully appears; and whereas also the said Theodore Langrish, and Joyse his wife, in the said court of Chancery, held at Westminster aforesaid, in the said county of Middlesex, did put in their answers to the said bill, and in and by their said answers did deny that they or either of them had received any part of the said 600l. as by the said answers of the said T. and J. his wife, affiled in the said court of Chancery more fully appears. And whereas also the said cause between the said parties in the said high court of Chancery did depend, undetermined from the said term of St. Michael, in the year of our Lord 1655, until the term of St. Michael, in the 17th year of the reign of our lord Charles the 2d, &c. And whereas also the said Theodore Langrish, on the 1st day of May, in the year of Lord 1660, at Westminster aforesaid died, one Thomas Langrish, late of London, &c. disregarding the laws and statutes of this kingdom of England, nor in any manner fearing the penalties in the same contained, on the 3d day of June,

Indictments for maintenance of Suits.

June, in the 17th year, &c. aforesaid, and at divers other days and times, as well before as after, (the said suit in the said court of Chancery being undismitted and undetermined) at London aforesaid, to wit, in the parish of St. Dunstan in the west, in the ward of Farringdon without London aforesaid, and at divers other places within the city of London aforesaid, the said suit between the said parties, on behalf of the said Joyse Langrishe, against the said William Walker, unlawfully and unjustly did maintain, and then and there, and on the said other days and times as well before as after, (the said suit between the parties aforesaid, remaining undismitted and undetermined in the said court of Chancery) divers sums of money, of the proper money of the said T. L. in and for the maintenance of the said suit, on behalf of the said J. L. against the said W. W. to divers serjeants at law, apprentices of the law, attorneys, clerks, solicitors, and to other officers belonging to the law, unlawfully, unjustly, and for the sake of vexation, did expend, pay and deliver, to the manifest prejudice of justice; to the evil example, &c. and against the peace, &c. and also against the form of the statute in such case made and provided.

The King *against* Price.

To wit. } **T**HAT one Lyson Price, late of the parish of Information
Wanriddan, in the county of Glamorgan, on for the
the 10th day of April, in the 20th year, &c, and for the space maintenance of a
of one whole year then next following, a certain plea depend- suit in the
ing in the court of the said lord the king of his Exchequer, Exchequer
before the barons of the said Exchequer, at Westminster, in and another in the
the county of Middlesex, between one Charles Llewellyn, Chancery,
plaintiff, and one David Jenkins, defendant, of a plea of tres- "drawn by
pass and ejectment of a * farm of one hundred acres of land, Saunders."
fifty acres of meadow, sixty acres of pasture, and sixty acres *P. 178.
of furze and brush-wood, with the appurtenances in W. aforesaid, in the said county of Glamorgan, on behalf of the said Daniel Jenkins, at Westminster aforesaid, unlawfully did maintain; in contempt of the said lord the now king, and of his laws, to the great damage of the said C. L. to the evil and pernicious example, &c. and against the form of divers statutes, in such case made and provided, and also against the peace

Indictments for maintenance of Suits.

2d Count. peace of the said lord the now king, his crown and dignity. And the said Thomas Fanshaw, knt. coroner and attorney of our said lord the now king, in the court of the said lord the king, before the king himself, who for the said lord the king in this behalf prosecutes, further gives the court here to understand and to be informed, that the said Lyson Price afterwards to wit, on the day of in the year, &c. a certain suit by English bill, depending in the said court of Chancery of the said lord the now king, at Westminster, in the county of Middlesex, between the said D. Jenkins and one W. Jenkins, plaintiffs, and one Edward Lloyd, defendant, of and concerning the title of the said tenements, on the behalf of them the said Th. J. and W. J. at Westminster aforesaid, in like manner unlawfully did maintain, in contempt of the said lord the now king, and of his laws, to the great damage of the said E. L. to the evil and pernicious example of all others in the like case offending, and against the form of the statute in such case lately made and provided, and also against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c.

“ Edmund Saunders.”

Indictments for Riots, Routs, &c.



Indictments for Riots, Routs and unlawful Assemblies.

The King *against* Sherley, and others.

Easter, 34th Charles the 2d.

Middlesex, } **T**HAT Thomas Sherley, late of the parish of *Information*
To wit. } St. Clement Danes, in the county of Mid- *against* se-
dlesex, gent. and others, &c. with divers other persons un- *veral per-*
known, disturbers of the peace of the said lord the now king, *sons break-*
on the 22d day of April, in the 34th year, &c. with force and *ing and en-*
arms, &c. riotously, routously and unlawfully, at the parish, *tering the*
&c. in the county, &c. did assemble, collect and gather them- *house of*
selves together, to disturb the peace of the said lord the now *lady Long,*
king, and so being assembled, collected and gathered together, *and break-*
then and there with force and arms, &c. riotously, routously *ing open her*
and unlawfully, the mansion-house of one Dame Elizabeth *chamber,*
Long, widow, situate in the parish and county aforesaid, did *door, and*
break and enter, and then and there with force and arms, &c. *there giving*
riotously, routously and unlawfully the door of the chamber of *abusive lan-*
the said Dame Elizabeth Long, widow, did break; and then and *guage.*
there with force and arms, &c. riotously, routously and unlaw-
fully into the chamber of the said D. E. L. widow, with * drawn
swords did enter, and did make an entry; and her the said Dame
E. Long, did put in great peril of her life, and other outrages to
the said Elizabeth Long, and to one Jane Coats then and there
did, and that the said Edward Sherley, then and there by the
suggestion and incitement of the said T. S. and others, &c. and
in their presence and hearing, and also in the hearing of divers
hige subjects of the said lord the now king, then and there
present, maliciously, opprobriously, and in a threatening man-
ner did say, assert, publish, and with a loud voice declare of,
to and concerning the said Dame Elizabeth Long, as follows in
these English words following, to wit, "*Damn me,* (meaning
himself the said E. S.) *you* (meaning the said Dame Elizabeth
Long) *are a bitch, you* (meaning the said Dame Elizabeth Long)
are an ugly old witch, you (again meaning the said Dame Eliza-
beth Long) *look like a witch, I* (meaning himself the said E. S.)

E c

believe

*P. 179.

Indictments for Riots, Routs, &c.

believe you (meaning the said Dame Elizabeth Long) *are one, and that you* (again meaning the said Dame Elizabeth Long) *can ride on a stick up the chimney, you* (meaning the said Dame Elizabeth Long, and one Jane Coats, spinster, sister to the said Dame Elizabeth Long, then in like manner present) *are a couple of old bawds, here is a guinea for you,* (meaning the said Dame Elizabeth Long, and the said Jane Coats) *help me* (meaning himself the said E. S.) *to a whore, I* (again meaning himself the said E. S.) *am sure you* (meaning the said Dame Elizabeth Long, and the said Jane Coats) *can do it."* To the great terror, disturbance and discomposure of the said Dame E. Long and the said Jane Coats, to the evil example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c.

The King against Wakeman, and others.

Trinity, 35th Charles II. Roll 4.

Information
against several
persons, for
taking upon
themselves
without legal
authority to be
justices of
the peace
for a borough,
and in a riotous
manner,
holding
sessions of
the peace
for the said
borough.

To wit, } **T**HAT the borough of Barnstaple, on the 23d day of April, in the 35th year, &c. and long before, was and yet is, an antient borough incorporate, by the name of the mayor, aldermen and burgesses of the borough and parish of Barnstaple, in the county of D. and that William Wakeman, of B. aforesaid, in the said county gentleman, Richard Salisbury of B. aforesaid, in the said county gentleman, and John Stephens, otherwise Gregory, of B. aforesaid, in the said county, gent. falsely, unlawfully, and maliciously conspiring, devising and designing among themselves, to disturb and subvert the good, lawful and settled rule and government of the borough and parish aforesaid, and also, to usurp and assume to themselves, the rule and authority of the said borough and parish aforesaid, and also to have and exercise the power and authority of justices to preserve the peace of the said lord the king within the borough and parish aforesaid, and also to hear and determine divers trespasses and other misdeeds perpetrated within the borough and parish aforesaid, they the said W. W. R. S. and J. S. otherwise G. on the said 23d of April in the 35th year, &c. aforesaid, with force and arms, &c. at the borough and parish aforesaid, without any commission, warrant or lawful authority, given by the said lord the king or by his predecessors, did usurp, take upon themselves and execute, and each and every of them then and there did usurp, take upon himself, and

execute

Indictments for Riots, Routs, &c.

execute the power and jurisdiction of a justice, to preserve the peace within the borough and parish aforesaid, and then and there with force and arms, &c. unlawfully, riotously, routously and tumultuously did assemble and gather themselves together, to disturb the peace of the said lord the now king, and so being assembled and gathered together, a certain court of the session of the peace for the borough and parish aforesaid, without any warrant or lawful authority, unlawfully, riotously, routously and turbulently, then and there did hold, and as the court of session of the peace for the borough and parish aforesaid, then and there did exercise; and one Charles Standish before that time bound by recognisance to appear at the next session of the peace for the borough and parish aforesaid, then and there from the said recognisance did discharge and entirely release, in contempt of the said lord the king, and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c.

The King *against* W. M.

Easter, 1st James the 2d.

Stafford, } **T**HAT whereas on the day and year, &c. at the Information
To wit. } borough of Newcastle under the line, in the for riotously
county of Stafford, W. C. esquire, at that time mayor of the breaking
said borough, and the aldermen and common-council of the into the
said borough, were assembled in the Guildhall of the said Guildhall of
borough, there to do the business of the said borough, never- of New-
theless one W. M. of, &c. together with divers other male-castle under
factors and disturbers of the peace of the said lord the now the line,
king, to the number of five hundred persons, whose names are, and disturb-
as yet unknown to the attorney general of the said lord the now ing the
king, well knowing the premises, but being evil-disposed per-mayor, al-
sons, and devising and intending to disquiet and disturb the ce council of
of the said lord the now king, and to hinder and obstruct the the borough
said mayor, aldermen and common-council of the said borough, there as-
there to do their business as aforesaid, with force and arms, &c. sembled,
at, &c. unlawfully, riotously, routously and tumultuously did about the
assemble and gather themselves together, to disturb the peace business of
of the said lord the now king, and they as aforesaid then and the said
there, with force and arms, &c. unlawfully, riotously, routously borough.
and tumultuously being assembled and gathered together, the

Indictments for Riots, Routs, &c.

saïd Guildhall there, being the guildhall and freehold of the saïd mayor, aldermen, bailiffs and burgesſes of Newcastle under the line aforeſaid, then and there with force and arms, &c. unlawfully, riotouſly, routouſly and tumultuouſly did break and enter; and for the ſpace of one hour, by making a great noiſe, riot, diſturbance, clamour and tumult, did ſo diſturb and hinder the mayor, aldermen and common-council aforeſaid, *P. 181. then and there being, and then doing, and tranſacting * certain buſineſs of and concerning the ſaïd borough, that they the ſaïd mayor, aldermen and common-council for the ſpace aforeſaid, could not proceed to go through their buſineſs as aforeſaid, in contempt of the ſaïd lord the now king, and of his laws, to the maniſeſt diſturbance and violation of the peace of the ſaïd lord the now king, to the evil example, &c.

The King *againſt* Wilts.

Eaſter, the 1ſt James II.

Indictment
or riotouſly
breaking
into a dwelling
houſe,
on pretence
of an execution.

To wit } **T**HAT Thomas Wilts, &c. and five other malefactours, to the jurors aforeſaid unknown, on the day and year, &c. did deviſe, and among themſelves wickedly did conſpire and intend falſely, unlawfully, wickedly and deceitfully to deprive, deceive and defraud one Elizabeth Palmer, widow, of her goods and chattels, and her the ſaïd Elizabeth Palmer, from her manſion-houſe, with force and arms, &c. ſuddenly and forcibly to certain places unknown, againſt the will, and without the conſent of the ſaïd E. P. to carry away, and her the ſaïd E. P. in the ſaïd places unknown, falſely, unlawfully, unjuſtly, and againſt the will and without the conſent of the ſaïd E. P. to imprifon, the ſaïd T. W. and the five other malefactours, to the jurors aforeſaid unknown, for the better performance and execution of the ſaïd evil intentions of the ſaïd T. W. &c. and of the ſaïd five malefactours, to the jurors aforeſaid unknown, ſo as aforeſaid among themſelves before had, afterwards to wit, on the ſaïd day and year, &c. at, &c. as riotors, routours, and diſturbers of the peace of the ſaïd lord the now king, with force and arms, &c. at, &c. unlawfully, riotouſly, routouſly did aſſemble and gather themſelves together, to diſturb the peace of the ſaïd lord the king, and ſo then and there being aſſembled and gathered together, the ſaïd Thomas Wilts, and the ſaïd five malefactours, to the jurors aforeſaid unknown, afterwards to wit, on the ſaïd day and year, &c. at, &c. the manſion-houſe of her the ſaïd E. P. there ſituate, then and there unlawfully, riotouſly,

Indictments for Riots, Routs, &c.

ously and routously did break and enter, and the door of the chamber of the said E. P. in which the said E. P. then in the said mansion-house was, (the said door of the said chamber then being shut and locked) they the said five persons to the jurors aforesaid unknown, then and there unlawfully, riotously and routously did endeavour and attempt to open, under pretence that they the said malefactors to the jurors aforesaid unknown, then and there had an execution against the said E. P. for 10,000*l.* and that the said five malefactors, to the jurors aforesaid unknown, afterwards to wit, on the day and year, &c. at, &c. in and upon one F. H. spinster, the servant of the said E. P. then and there being in the said mansion-house, and then and there being in the peace of God, and of the said lord the king, with a certain drawn sword, then and there riotously and routously did make an assault, and her the said F. H. then and there in great peril of her life, unlawfully, riotously and routously did put, and other outrages to the said E. P. and F. H. unlawfully, riotously and routously did, to the great damage, &c. and against the peace, &c.

* The King *against* Pilkington, *and others.*

*P. 182.

Trinity, 34th, and Hilary, 34th and 35th Charles II. Roll.

London, } **T**HAT on the 24th day of June, in the 34th year of the reign of our lord Charles the 2d, for a riot at
To wit. } the now king, &c. at the Guildhall of the city of London, a an election
certain court of assembly of the citizens and freemen of the of sheriffs,
city of London, commonly called a common hall, by John for the city
Moore, knight, then and as yet mayor of the city of London, of London.
summoned and called before the said John Moore, kn^t. mayor
of the city of London aforesaid, in the due manner was held,
as well for the due election of sheriffs of the said city, for the
execution of the office of Sheriffs of the said city, for one
whole year next ensuing, after the eve of the feast of St.
Michael the Archangel, then and as yet next to come, as for
the election of divers other officers of the said city, and that
then and there in the said court, it was begun to take poll of
the electors then and there present, for the manifestation of
the election of the persons to serve in the office of sheriffs of
the said city, for the year aforesaid. And that the said John
Moore, knight, mayor of the said city, afterwards to wit, on the
said

Indictments for Riots, Routs, &c.

said 24th day of June, in the 34th year, &c. aforesaid, at the Guildhall of the city of London aforesaid, in the parish of St. Michael Bassishaw, London aforesaid, in the lawful manner did make and cause to be made, proclamation for the adjournment of the court, so as aforesaid held; and then and there the said John Moore, knt. mayor of the said city, in the lawful manner the said court did adjourn to the Tuesday next ensuing, then to be held at the Guildhall of the city of London aforesaid; and then and there after the adjournment so as aforesaid made, he the said John Moore, knt. mayor of the city, did make and cause to be made, public proclamation for the departure of all persons there assembled for the occasion aforesaid. And the said attorney-general of the said lord the now king, for the said lord the king further gives the court here to understand and to be informed, that Thomas Pilkington, late of London, esquire, and Samuel Shute, late of London, esquire, (then sheriffs of the city of London aforesaid) and Henry Cornish, late of London, esquire, Ford, lord Grey, of Warke, Thomas Gould, late of London, knight, John Shorter, late of London, knight, Thomas Player, late of London, knight, William Gulton, late of London, knight, Slingsby Bethel, late of London, esquire, — Nelthorpe, late of London, esquire, John Ayliffe, late of London, esquire, John Ellis, late of London, esquire, Francis Jenks, late of London, mercer, Robert Barker, late of London, gent. John Deagle, late of London, clothier, Richard Freeman, late of London, cheesemonger, Benjamin Smith, late of London, gent. Richard Goodenough, late of London, gent. R. Hay, late of London, merchant, Lucy Knightly, late of London, gent. John Wickham, late of London, gent. Samuel Swynnock, late of London, merchant, Joshua Brooks, late of London, gent. Joseph Jekyll, late of London, * gent. Dorman Newman, late of L. gent. T. Rawlinson, late of L. gent. T. Carpenter, late of L. gent. T. Charleton, late of L. gent. John Jekyll, the younger, late of L. gent. Benjamin Alsop, late of L. gent. M. Meriton, late of L. gent. Charles Bateman, late of L. gent. John Trenchard, late of L. esquire, Simon Miller, late of L. gent. Jervas Ryfield, late of L. gent. W. Feachy, late of L. gent. and Richard Farrington, late of L. esquire, well-knowing the premisses aforesaid, but being evil-disposed persons, and devising and intending to disquiet, molest and disturb the peace of said lord the now king, and the public tranquillity of this kingdom of England, they the said T. Pilkington, S. Shute, under colour of their office of sheriffs of London aforesaid, and the said Henry Cornish, Ford, lord Grey, T. Gould, knt. J. Shorter, knt. &c. afterwards, and after the said adjournment to wit. on the said 24th day of June, in the 34th year, &c. aforesaid, at the parish of St. Michael Bassishaw, London aforesaid, in the Guildhall aforesaid, there
with

Indictments for Riots, Routs, &c.

with force and arms, &c. riotously, routously, unlawfully and seditiously with many other evil-disposed persons, and disturbers of the peace of the said lord the now king, to the number of one thousand persons, to the attorney-general of the said lord the now king as yet unknown, did assemble, unite and gather themselves together, to disturb the peace of the said lord the now king, and so being assembled, united and gathered together, then and there with force and arms, &c. riotously, routously and unlawfully in and upon the said John Moore, kt. mayor of the said city, then and there being in the peace of God, and of our said lord the king, did make an assault and affray, and him the said John Moore, knt. then and there did strike, wound and ill-treat, so that of his life it was greatly despaired; and after the adjournment aforesaid, and the proclamation so as aforesaid made, by the said John Moore, knt. mayor of the said city, they the said T. Pilkington and Samuel Shute then and there under colour of their office of sheriffs of the city of London aforesaid, and the said Henry Cornish, Ford, lord Grey, T. Gould, knt. and J. Shorter, knt. &c. with divers other persons to the said attorney-general of the said lord the now king as yet unknown, them the said T. P. and S. S. unlawfully and seditiously aiding and assisting, with force and arms, riotously, routously and unlawfully there did continue to take the poll of the persons so then and there unlawfully assembled, as if and as though the said persons were lawfully assembled, for the election of sheriffs of the said city; and that the said T. Pilkington, S. Shute, H. Cornish, Ford, lord Grey, T. Gold, knt. J. Shorter, knt. &c. then and there unlawfully, tumultuously and seditiously did affirm, and each and every of them did affirm and say, and with a loud voice to the said evil-disposed persons did affirm, that the said John Moore, knt. mayor of the city of London aforesaid, unjustly and unlawfully had assumed upon himself liberty to adjourn the said court, which to him the said John Moore did not appertain; and that the said T. Pilkington, S. Shute, H. Cornish, Ford, lord Grey, T. Gould, knt. and John Shorter, knt. &c. then and there the evil disposed persons as aforesaid unlawfully assembled and gathered together, with force and arms, &c. riotously, routously, unlawfully and seditiously for the space of three hours did excite, * move, persuade and pro-
P. 184.
 cure to disturb the peace of the said lord the king, and to commit the said riot; and then and there for the whole time aforesaid, in the Guildhall of London aforesaid, in the parish and ward aforesaid, with force and arms, &c. riotously, routously, unlawfully, tumultuously and seditiously did make and stir up, and cause to be made, great disturbance, clamour, riot, and terrible and unusual noise, in contempt of the said lord the now king, and of his laws, to the manifest disturbance and violation of his peace, to the great danger of provoking and
 moving,

Indictments for Riots, Routs, &c.

moving of tumult, and the shedding of much blood there, to the great terror, disquiet and fear of all the liege subjects of the said lord the now king, to the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. Whereupon the said attorney-general of the said lord the now king, prays the consideration of the court here in the premisses, and that due process of law may be awarded against them the said T. Pilkington, S. Shute, Ford, lord Grey, T. Gould, knt. and J. Shorter, knt. &c. in this behalf, to make them to answer to the said lord the king, of and touching the premisses, &c. Whereupon the sheriffs of the city of London are commanded that they cause them to come to answer, &c. and now to wit, on the Wednesday next after three weeks, from the day of the Holy Trinity, before the lord the king at Westminster, come the said T. Pilkington, J. Shute and Richard Goodenough, by Benedict Brown, their attorney, and having heard the information aforesaid, they severally say that they are not guilty thereof, and of this put themselves severally upon the country; and the said Robert Sawyer, knt. attorney-general of the said lord the now king, who for the lord the king in this behalf prosecutes, doth the like, &c. and thereupon the said attorney-general of the said lord the now king, faith, and to the court here shews, that T. Pilkington and S. Shute, esqrs. two of the defendants aforesaid, at present are sheriffs of the city of London aforesaid, nevertheless he the said attorney-general of the said lord the now king, prays the writ of venire facias the said lord the king, to be directed to the said sheriffs of London, that they cause to come before the king, twelve, &c. to try the issues aforesaid, between the said lord the king, and the said parties above in the form aforesaid joined, and because the said defendants do not gainsay this, therefore the sheriffs of the city of London, are commanded that they cause to come before the said lord the king, from the day of St. Michael in three weeks, wheresoever, &c. twelve, &c. by whom, &c. and who, &c. to recognize, &c. because as well, &c. the same day is given as well to the said Robert Sawyer, knt. who prosecutes as to the said T. P. S. S. and R. G. At which three weeks of St. Michael, before the said lord the king, come as well the said Robert Sawyer, knt. who prosecutes, &c. as the said T. P. S. S. and R. G. by their attorney aforesaid, and the sheriffs of London have not sent the writ thereupon, therefore as before let a jury come thereupon, before the said lord the king, at the octave of St. Hilary, wheresoever, &c. by whom, &c. and who, &c. to recognize, because as well, &c. the same day is given as well to the said Robert Sawyer, knt. who prosecutes as to the said T. P. S. S. and R. G. at which octave of St. Hilary, before the said lord the king at Westminster, come as well the said Robert Sawyer, knt. who prosecutes, &c. as the said

Process
prayed.

Venire to
answer
awarded.

3 appear.

Not guilty.

Venire di-
rected to the
sheriffs,
though de-
fendants.

Non misfe-
runt breve.

Indictments for Riots, Routs, &c.

said T. P. S. S. and R. G. by their attorney aforesaid, and Ford, lord Grey, H. Cornish, T. Gold, knt. J. Shorter, knt. and T. Player, * knt. &c. in like manner come by B. B. their attorney, and having heard the information aforesaid, severally say that they are not guilty thereof, and of this in like manner severally put themselves upon the country; and the said Robert Sawyer, knt. attorney-general of the said lord the now king, who for the said lord the now king in this behalf prosecutes, doth the like, and therefore as before, let a jury come the e-^{Venire awarded.} upon before the lord the king, at the octave of the purification of the blessed Virgin Mary, wheresoever, &c. by whom, &c. who neither, &c. to recognize, &c. because as well, &c. the same day is given as well to the said Robert Sawyer, knt. who prosecutes, &c. as to the said T. P. S. S. R. G. Ford, lord Grey, &c. at which octave of the purification of the blessed Virgin Mary, come as well the said R. Sawyer, knt. who prosecutes, &c. as the said T. P. S. S. R. G. Ford, lord Grey, H. C. T. G. knt. &c. by their attorney aforesaid; and the Return of sheriffs of the city of London, return the names of twelve the venire. jurors, of whom none, &c. therefore the sheriffs are commanded, that they distrain them by all their lands, &c. and that of the issues, &c. and that he may have their bodies before the said lord the king, from the day of Easter in five weeks, where-^{Distringas awarded.} soever, &c. or before the beloved and faithful of the lord the king, Edward Saunders, knt. chief justice of the said lord the king, assigned to hold pleas before the king himself, if he shall first come on Tuesday next after one month of Easter, at the Guildhall of the city of London, according to the form of the statute, &c. for the default of jurors; &c. therefore let the sheriffs have their bodies, &c. to recognize in the form aforesaid, &c. the same day is given as well to the said Robert Sawyer, knt. who prosecutes, &c. as to the said T. P. S. S. R. G. Ford, lord Grey, H. C. T. G. knt. &c. at which five weeks of Easter in this term, before the lord the king, at Westminster, come as well the said R. S. knt. who prosecutes, &c. as the said T. P. S. S. R. G. F. lord Grey, H. C. &c. by their attorney aforesaid, and the said chief justice before whom, &c. hath sent here his record before him had in these words. Afterwards, at the day and place within contained before ^{Postea.} the within named Edward Saunders, knt. the chief justice of the said lord the king within written, Edward Watts, gent. being associated to him by the form of the statute, come as well the within named Robert Sawyer, knt. attorney-general of the said lord the now king, who prosecutes, &c. as the said T. P. S. S. R. G. F. lord G. H. C. &c. by their attorney within written, and the jurors of the jury whereof mention is within made being called, come and are sworn upon that jury. And thereupon public proclamation for our lord the king being made as is the custom, that if there was any one ^{Proclamation.} who

Indictments for Riots, Routs, &c.

who would inform the said chief justice of the said lord the king, or the serjeant at law of the said lord the king, or the attorney-general of the said lord the king, or the jury aforesaid, concerning the matters within contained, that he should come forth and should be heard, and thereupon George Jeffreys, knight and baronet, on behalf of the said lord the king, offered himself to do this, whereupon it was proceeded by the court here to the taking of the jury aforesaid, by the said jury now appearing, who being elected, tried and sworn to speak the truth concerning the matters within contained, say upon their oath aforesaid, that the said T. Gould, knt. J. Brooks, W. Miller, T. Charleton, D. Newman, J. Jekyl, the younger, B. Alfop, M. Meriton, J. Trenchard and J. Byfield, are not guilty, nor is any of them guilty of the premisses in the information in the said record mentioned, as within by pleading they have alledged. And the jury aforesaid upon their oath aforesaid further say, that the said Thomas Pilkington, S. Shute, Ford, lord Grey, T. Player, knt. S. Bethel, esquire, F. Jenks, J. Deagle, R. Freeman, R. Goodenough, R. Hay, J. Wickham, S. Symmock and J. Jekyl, the elder, are guilty, and each and every of them is guilty of the premisses in the information within writen mentioned, as by the said information within, against them is supposed, therefore, &c.

Verdict.

*P. 186.

The trial of the defendants upon this information, before the lord chief justice Saunders, is in the State Trials, vol. 3. fol. 78.—And Sir Bartholomew Shower in the 2d vol. of his reports, fol. 262. says “That there was a challenge to the array, because no knight was returned on the panel, as then ought to have been, (the lord Grey being a peer of the realm) and that the chief justice was of opinion that it was a good cause of challenge, but it appears by the trial that the challenge was over-ruled, for that it could not be pleaded at nisi prius.

The King against Strode.

Michaelmas, 32d Charles II.

Information
for a riot,
and break-
ing open the
house of
the ambas-
sador from

Middlesex,
To wit.

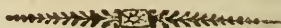
THAT one Essex Strode, late of the parish of St. Margaret, Westminster, in the county of Middlesex, esquire, Ferdinand Burleigh, late of the parish aforesaid, in the county aforesaid, gent. (and several others particularly

Indictments for Riots, Routs, &c.

particularly named) together with divers other malefactors to the Duke of the said attorney-general of the said lord the king, as yet un-Savoy, and known, on the 8th day of July, in the 32d year of the reign taking from of the lord Charles the 2d, by the grace of God, of England, thence di- &c. king, &c. at the parish of St. Martin in the fields, in the vers goods. county of Middlesex aforesaid, with force and arms, &c. unlawfully, riotously and routously did assemble, unite and gather themselves together, to disturb the peace of the said lord the now king, and then and there so being assembled and collected, with force and arms, &c. riotously, routously and unlawfully the doors of the mansion-house of the most noble Lewis Joseph Turnett, count of Portengue in Piedmont, in parts beyond the seas, envoy extraordinary sent from his royal highness the Duke of Savoy, to our said lord Charles the 2d, of England, &c. king defender of the faith, &c. did break down, and the said house, the doors being so broken down, with force and arms, &c. unlawfully, riotously and routously did break and enter, and the goods and household furniture of the said Lewis Joseph Turnett, count of Portengue, being envoy as aforesaid, then and there found, with force and arms, &c. riotously, routously and unlawfully did take and carry away, and him the said Lewis Joseph Turnett, count of P. being envoy as aforesaid, for a long time to wit, from the 8th * day of July, in the 32d * P. 187, year, &c. aforesaid, until the 11th day of the same month of July, with force and arms, &c. unlawfully, riotously and routously from the possession of the said house did expel and keep out; and other wrongs to him did, to the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. whereupon, &c.

There was a trial at bar on this information, and the defendant would have justified the entering the house, and taking the goods there as the goods of one Daughtry, who being convicted of murder, had thereby forfeited them to the dean and chapter of Westminster, (the defendant Stode being high-bailiff of Westminster) but the court ever ruled the evidence as insufficient, and held this to be a riot. This case is reported, 2 Shower 149.

Indictments for Assaults and Woundings.



Indictments for Assaults and Woundings.

The King against Gostwick, and others.

Trinity, 3d. James II.

Information *London,* } **T**HAT William Gostwick, late of Willington,
for conspir- To wit. } in the county of Bedford, knight and baronet,
ing to beat and wound } and others, &c. being and each and every of them being per-
a man, and } sons of evil name, fame and of wicked disposition, and devi-
for thatpur } sing, and maliciously intending, and among themselves con-
pose sending } spiring, compassing and devising one S. V. gent. by way-laying
for him un- } to beat, wound and ill-treat, on the 1st day of Sept. in the
der a eign- } year, &c. at, &c. the sooner to fulfil, perfect and bring to
ed name, to } effect their most wicked intentions, compassings and devices
come to a } afore said; they the M. B. and J. R. by the direction and consent
tavern, and } of the said W. G. and others, and in prosecution of their said
way-laying } conspiracy, did send under a feigned name for the said S. V.
him, and } to a certain tavern, known by the name of the Green Dragon
in his com- } tavern, situate in Fleet-street, London, in the parish of, &c.
ing, griev- } and him the said S. V. then and there did way-lay; and that
ously beat- } the said M. B. and others, &c. afterwards to wit, on the day
ing; and } and year, &c. with force and arms, &c. at the parish, &c. by
wounding } the procurement and incitement of the said W. G. and G. C.
him. } they the said M. B. and others, &c. then and there by way-lay-
ing, in and upon the said S. V. in the peace of God and of
the said lord the king, then and there being, with force and
arms, &c. did make an assault and affray; and him the said S.
then and there, with force and arms, &c. most grievously and
dangerously did beat, wound and ill-treat, so that of his life
it was greatly despaired; and the said coroner and attorney of
the said lord the now king, further gives the court here to un-
derstand and to be informed, that the said S. V. of the beating,
wounding and ill-treating afore said, from the day and year
afore said, until the day of the exhibition of this information,
*P. 188. at the * parish, &c. did languish, and languishing did live, and
was

Indictments for Assaults and Woundings.

was in great peril of his life, and that the said W. G. and others, &c. other wrongs to him the said S. V. then and there with force and arms did, to the great damage of the said S. V. and against the peace of the said lord the now king, &c. &c.

The King *against* the Earl of Devonshire.

Easter, 3d James II.

Middlesex, } **T**HAT William Earl of Devonshire, late of ^{Information} the parish of St. Martin in the fields, in the ^{forchalleng-} county of Middlesex, on the 24th day of April, in the 3d ^{ing Mr.} year of the reign of our lord James the 2d, by the grace of ^{Colepeppar} God of England, &c. king, defender of the faith, &c. with ^{in the king's} force and arms, &c. at the city of Westminster, in the county ^{palace, and} of Middlesex, within the palace of the said lord the king, ^{assaulting} there, to wit, within the court of the said lord the king, ^{and wound-} commonly called Whitehall, (the said lord the king then and there in his said palace, in his royal person being, continuing and abiding) one Thomas Colepeppar, esquire, in the peace of God, and of the said lord the now king, then and there being did provoke and challenge to fight, with him the said William Earl of Devonshire, with intention to kill and murder the said Thomas Colepeppar. And that the said William, Earl of Devonshire, afterwards to wit, on the said day and year, &c. aforesaid, at the city of Westminster aforesaid, in the said county of Middlesex, within the said palace of the said lord the king, to wit, within the said court, commonly called Whitehall, (the said lord the king then and there in the said palace, in his royal person as aforesaid, being, continuing and abiding) with force and arms, &c. in and upon the said Thomas Colepeppar, in the peace of God and of the said lord the now king, then and there in the said palace being did make an assault, and him the said Thomas Colepeppar then and there, with force and arms, &c. maliciously did strike, beat and ill-treat, so that of his life it was greatly despaired, and other wrongs to the said Thomas Colepeppar, then and there, with force and arms, &c. did, to the great damage of the said Thomas Colepeppar, to the manifest contempt of the said lord the now king, and of his laws, and against the peace of the said lord the now king, his crown and dignity, &c.

And

Indictments for Assaults and Woundings.

Defendant
pleads his
privilege as
a peer of
the realm,
and a member
of the
house of
Lords, to
the jurisdiction
of the court of
King's
Bench.

*P. 189.

And now to wit, on the Monday next after the morrow of the Ascension of our Lord, in this same term before the lord the king, at Westminster, come as well Thomas Powis, knt. solicitor-general of the said lord the now king, who for the said lord the king in this behalf prosecutes, in his proper person, as the said William, Earl of Devonshire in his proper person, and the said William, Earl of Devonshire saith, that that he on the 19th day of May, in the 1st year of the reign of the lord the now king, and long before, and continually from thence hitherto afterwards, was and as yet is Earl of Devonshire, one of the nobles, lords and peers of this kingdom of England, * and that at the present parliament of the said lord the now king, begun and held at Westminster, in the county of Middlesex, on the said 19th day of May, in the 1st year of the reign of the said lord the now king aforesaid, and there by several prorogations continued until the 28th day of April, in the 3d year of the reign of the said lord the now king, and then at Westminster aforesaid assembled, and from that day further prorogued to the 22d day of November then next coming, the said Earl by the summons of the said lord the now king, did come, attend and continue as one of the peers of this kingdom; and the said Earl further saith, that according to the law and custom of parliament, used and approved from the time whereof the memory of man is not to the contrary, all peers of this kingdom of England coming to the parliament of the lord the king, by the summons of the said king, by any court inferior to the said court of parliament, during the time of the sitting of such parliament, or within the usual time of privilege of such parliament next before or next after any prorogation of such parliament made, by reason or pretence of any trespass, contempt, misbehaviour, or other cause or matter whatsoever, (treason, felony, or refusal to find security for good behaviour towards the said lord the king, and all his people only excepted) ought not nor have been accustomed for the whole time aforesaid, to be arrested, imprisoned, troubled or disquieted, or to any such trespass, contempt, misbehaviour, or other cause or matter whatsoever (except as aforesaid) be compelled to answer, and this he is ready to verify, wherefore, because the said information was exhibited against him the said Earl, within the usual time of the privilege of the said parliament, to wit, within forty days next after the last prorogation of this present parliament which are not yet expired, the said Earl prays judgment if the court here will or ought to hold cognizance of the said plea, now within the usual time of the privilege of the said parliament, &c.

Demurrer.

And the said Thomas Powis, knt. solicitor-general of the said lord the now king, who for the said lord the king in this behalf

Indictments for Assaults and Woundings.

behalf prosecutes, for the said lord the king saith, that the said plea by the said William, Earl of Devonshire, in the manner and form aforesaid above pleaded, and the matter in the same contained are not sufficient in law to preclude the court of the said lord the king here from proceeding upon the said information, and this he is ready to verify as the court here shall consider, wherefore he prays judgment, and that the said William Earl of Devonshire may further answer to the said information, &c.

And the said William, Earl of Devonshire saith, that the Joinder. plea aforesaid, by him the said William, Earl of Devonshire, in the manner and form aforesaid pleaded, and the matter in the same contained, are good and sufficient in law to preclude the court of the said lord the king here, from proceeding upon the said information, which plea and the matter in the same contained, the said William, Earl of Devonshire is ready to verify and prove as the court here shall consider, wherefore as before, he prays judgment, if the court of the lord the king, here, upon the said information will any further proceed; and thereupon all and singular the premisses being read and heard because that it seems to the court here, that the said plea of the said Earl of Devonshire, in the manner and form aforesaid above pleaded, and the matter * in the same plea contained, *P. 190. are not sufficient in law to preclude the court of the said lord the now king here, from proceeding upon the said information, therefore it is said to the said William, Earl of Devonshire, that he the said William, Earl of Devonshire do further answer Respondent
ouster. to the said information.

On the 15th of May 1689, the House of Lords declared, "*That the court of King's-Bench in over-ruling the Earl of Devonshire's plea of Privilege of Parliament, and forcing him to plead over in chief, it being within the usual time of privilege, did thereby commit a manifest breach of privilege, &c.*" Vide Rapin's History of England, vol. 13, page 245.

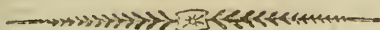
The King against Colepeppar.

The palace of the lord the king, at Westminster, in the county of Middlesex, to wit. { **B**E it remembered, that at the gene Indictment
ral session to hear and determine against Mr.
all treasons, misprisions of treason, Colepeppar,
murders, killings, bloodsheds, and at the ses-
sions held
other malicious striking by reason whereof blood should forthe king's
be shed against the peace of the said lord the king, household,
within by virtue of

Indictments for Assaults and Woundings.

the statute
of H. 8.)
for assault-
ing, strik-
ing and
wounding
the earl of
Devonshire,
where y
his blood
was shed.

within the household of the said lord the king, held for the said lord the king, within the palace of the said lord the king, at Westminster, in the county of Middlesex, to wit, on Monday the 20th day of July, in the 1st year of the reign of our lord James, by the grace of God, of England, &c. king, defender of the faith, &c. before James, duke of Ormond, steward of the household of the said lord the king, according to the form of the statute in such case made and provided, by the oath of Michael Arnold, Richard Dalton, &c. inferior officers of the household of the said lord the king, whose names are introlled in the rolls of the counting house of the lord the king's household, then and there sworn and charged to enquire for the said lord the king, according to the form of the statute in this behalf, within the said palace, it is presented as follows, to wit, the palace of the lord the king, at Westminster, in the county of Middlesex, to wit, the jurors for the lord the king upon their oath present, that T. Colepeper, late of, &c. esquire, on the 9th day of July, in the 1st year of the reign of our lord James, by the grace of God, of England, &c. king, &c. with force and arms, &c. within the palace of the said lord the king at Westminster, in the county of Middlesex, (the said lord the king, then and there, in his said palace, in his royal person being, continuing and abiding) in and upon the most noble William, earl of Devonshire, then and within the said palace being, did make an assault, and him the said William, earl of Devonshire, then and within the said palace, maliciously did strike and wound, by reason of which the blood of the said William, earl of Devonshire, then within the said palace was shed; to the great damage of the said William, earl of Devonshire, to the manifest contempt of the said lord the now king, and of his laws, against the peace of the said lord the now king his crown and dignity, and also against the form of the statute in such case made and provided, &c. &c.



** Indictments for forcible Entries, and* *P. 191.
Proceſſs thereon.

The King againſt Hayton.

Surrey, } **BE** it remembered, that on the 19th day of the
To wit. } month of July, in the 34th year of the reign
of our lord Charles the 2d, by the grace of God, of England, Record of a
force upon
view of a
justice of
the peace.
&c. king, &c. one Peter Effington of the parish of St. Bottolph
Aldgate, citizen and goldsmith of London, on the behalf of
Moses Winkworth, citizen and glover of London, complained
to me, William Pyers, esq. one of the justices of the said lord
the king, assigned to preserve the peace in the said county ; By virtue of
the statutes
of the 15th
R. ch. 2.
c. 2. 8 H.
6. c. 9. 31
El. c. 11 and
21 J. 1. 6.
15.
that Robert Hayton, in the parish of Wanſworth, in the coun-
ty of Surry aforesaid, and certain others unknown, disturbers
of the peace of the said lord the king, into a certain mill with
the appurtenances of the said Moses Winkworth, at Wimble-
ton Mills, in the parish of Wimbleton, in the said county of
Surrey, with a strong hand did enter, and upon the peaceable pos-
session of the said M. W. thereof, with a strong hand into the
said mill did enter, and with an armed power, as yet do hold,
and thereupon prayed that remedy should be given by me to
the said M. W. in that behalf, which complaints and petitions
being heard, I the said W. P. immediately in my own person
approached to the said mill, and in the said mill I then found
the said R. Hayton, and certain others, to wit, A. R. F. R.
and J. C. holding the said mill, with force and arms, and with a
strong hand, and with an armed power to wit, with staves, and
swords, and bludgeons, and with other arms, offensive and de-
fensive, against the form of the statute in such case made and
provided, and thereupon I the said W. P. then and there did
arrest the said R. H. A. R. F. B. and J. C. and have caused
them to be brought to the next gaol of the said lord the king,
at the borough of Southwark, in the said county of Surrey, as
being convicted of the said with-holding by a strong hand, by
my view and record, there to remain until they shall pay to
the said lord the king, the fines for their said trespasses. Given
at the bridge-house within the borough of Southwark, under
my hand and seal, the day and year aforesaid first written.

Indictments for forcible Entries, &c.

The King *against* Hampson.

Information for a forcible entry on *P. 192. the tenant for years. To wit. **T**HAT Dennis Hampson, late of London, esquire, and others, on the 14th day of June, in the 23d year of the reign of our lord Charles the 2d, by the grace of God, of England, &c. king, &c. with force and * arms, at the parish of Taplowe aforesaid, in the said county of Bucks, unlawfully, riotously and routously did assemble and gather themselves together, to disturb the peace of the said lord the now king, and they so as aforesaid, then and there with force and arms, &c. being riotously and unlawfully assembled and gathered together, into one messuage and 400 acres of land, with the appurtenances situate, lying and being in the said parish of Taplowe, in the said county, and then being in the peaceable possession of one Richard King, the younger, for a term of divers years then to come, with force and arms aforesaid, riotously, routously, unlawfully and unjustly, and with a strong hand did enter and make an entry, and him the said R. K. the younger, (his term aforesaid not then nor as yet being expired) thereout, then and there with force and arms, riotously, routously, unlawfully and unjustly, and with strong hand did expel, eject and amove, and him the said Richard King so thereout expelled, ejected and amoved, from the said 14th day of June, in the 23d year, &c. aforesaid, to the day of the exhibition of this information, with force and arms, &c. riotously, routously, unlawfully and unjustly, and with strong hand thereout did hold and as yet do hold, to the great damage of the said Richard King, and against the peace of the said lord the now king his crown and dignity, &c. whereupon, &c.

The King *against* Edwards and wife.

Inquisition for a forcible entry into a freehold. *Devonshire,* } **H**ERETOFORE to wit, on Thursday the 15th day of March, in the year of our Lord 1648, by a certain inquisition for the keepers of the liberty of England, by the authority of parliament, taken at the Goal-garden,

Indictments for forcible Entries, &c.

then, nigh to the city of Exeter, in the said county, before John Wilde, chief baron of the public Exchequer, Henry Waldron, esquire, Henry Fry, esquire, and others their fellows keepers of the peace, and justices assigned to preserve the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdeeds in the said county perpetrated, by the oath of twelve jurors it is presented, that Robert Edwards, late of Errington, in the said county yeoman, and Catherine Edwards, the wife of the said Robert, with many others unknown, to the number of three persons armed and arrayed in a warlike manner, on the 10th day of February, in the 20th year of the reign of the lord Charles, late king of England, &c. with force and arms, &c. at Keeton, in the parish of Errington aforesaid, in the county aforesaid, into one messuage with the appurtenances, five acres of land, one acre of meadow, five acres of pasture, with the appurtenances, in the parish of Errington, in the county aforesaid, then being the freehold of one William Rogers, and then in the tenure and occupation of one Hugh Flatham, unlawfully, and with strong hand did enter and did make an entry, and him the said W. Rogers with force and arms, &c. aforesaid, unlawfully, with strong hand, and without judgment, then and there did disseize, and him the said H. Flatham from his possession thereof, then and there with force and arms aforesaid, and with strong hand did expel and eject, and him the said W. R. so thereof disseized, and him the said H. F. so therefrom expelled and ejected from the said 10th day of February, in the 20th year of the reign of the said late king, &c. aforesaid, to the day of the taking of this information, from the said messuage and the other premisses with the appurtenances, with force and arms aforesaid, unlawfully and with strong hand aforesaid, did keep out, and as yet do keep out, in contempt of the said late king, and as well against the peace of the said lord the king, as against the public peace, &c. and also against the form of the statute, in such case made and provided, &c. Whereupon the Sheriff is commanded that he do not omit, &c. but that he cause them to come to answer, &c. And now to wit, on the Friday next awarded, after the morrow of the Holy Trinity, in this same term, before the keepers of the liberty of England by the authority of parliament, in the upper bench at Westminster, come the said R. Edwards, and Catherine Edwards his wife, by Peter Gossright their attorney, and having heard the indictment aforesaid, protesting that they the said Robert and Catherine, into the said messuage with the appurtenances, and into the five acres of land, &c. in the said indictment specified, with force and arms, and with strong hand did not enter, nevertheless for plea for the preventing and quashing of a writ of restitution against them, upon that indictment to be adjudged, they the said R. and C. his wife, say, that long before the said day, in

*P. 193.

Venire to answer

Petition

Protestation

Indictments for forcible Entries, &c.

which the indictment aforesaid, so as aforesaid was found, one William Rogers, cousin of the said William Rogers in the indictment aforesaid above named, on the 10th day of August, in the 8th year of the reign of the lord Charles, late king of England, &c. was seized of and in the said messuage with the appurtenances, and of and in the said five acres of land, one acre of meadow, five acres of pasture, with the appurtenances in his demesne as of fee, and so being seized thereof, to wit, on the said 10th day of August, in the 8th year, &c. aforesaid, at Keeton, in the parish of Errington aforesaid, in the said county, did grant and to farm let, to the said Robert and his assigns, the said tenements with the appurtenances, to have from the time of demise aforesaid, for the term of 99 years from thence next following, if the said Catherine, wife of the said Robert, and J. Edwards and T. Edwards, sons of the said Robert or any of them should so long happen to live, and by virtue of which demise, the said Robert afterwards to wit, on the said 10th day of August, in the 8th year, &c. aforesaid, into the tenements with the appurtenances did enter, and was and as yet is thereof possessed, and was in the quiet possession of the said tenements with the said appurtenances, for the space of three whole years together, next before the day in which the indictment aforesaid, was found as aforesaid, his term aforesaid not as yet being ended and determined, and this the said R. and C. are ready to verify as the court, &c. Whereupon they pray judgment, and that restitution according to the form of the statute in such case made and provided, may be altogether quashed in this behalf, with this that they the said R. and C. are ready to verify, that the said J. and T. as yet are alive and in full life, to wit, at Keeton aforesaid, in the parish of Errington aforesaid, in the county aforesaid, &c.

Replication And the said William Rogers and Hugh Flasham say that Protestants they by any thing by the said R. E. and C. his wife pleaded for that the ancestor was not seized, nor made the lease. the preventing and quashing of the said writ of restitution, against them the said R. E. and C. his wife, and each of them upon the indictment aforesaid to be adjudged, ought not to be precluded, because protesting they say that the said W. Rogers, the cousin aforesaid, on the 10th day of August, in the 8th year aforesaid, was not seized of and in the said messuage with the said appurtenances, and of and in the said five acres of land, one acre of meadow, and five acres of pasture, with the appurtenances aforesaid, in his demesne as of fee, nor on the said 10th day of August, in the 8th year aforesaid, at Keeton aforesaid, in the parish of E. aforesaid, in the county aforesaid, did he grant and to farm let, to the said R. E. and his assigns, the said tenements with the appurtenances to have from the time of the said demise, for the said term of 99 years then next coming, if the said C. the wife of the said Robert,

Indictments for forcible Entries, &c.

Robert, and one J. E. and T. E. the sons of the said Robert should so long happen to live, or if any of them should so long happen to live, as the said R. and C. above by pleading have alledged. But replying, they the said W. R. H. F. say that the said R. E. was not possessed, nor was in the quiet possession of the said one messuage, with the appurtenances aforesaid, and of the said five acres of land, one acre of meadow, and five acres of pasture, with the appurtenances aforesaid, in the indictment aforesaid above specified, for the space of three years together next before the said day, in which the said indictment was found as aforesaid, in the manner and form as the said R. E. and C. above by pleading have alledged, and this the said W. R. and H. F. are ready to verify as the court, &c. Wherefore they pray judgment, and that the said writ of restitution may be adjudged against them the said R. E. and C. and each of them, according to the form of the statute in such case made and provided. And the said R. E. and C. as before say, that he the said R. was possessed, and was in quiet possession of the said one messuage, with the appurtenances, and of the said five acres of land, one acre of meadow, and five acres of pasture, with the appurtenances aforesaid, in the said indictment above specified, for the said space of three years together next before the day in which the said indictment was found as aforesaid, in the manner and form as they the said R. E. and C. above, by pleading have alledged, and this they the said R. E. and C. pray may be enquired of by the country. And the said W. R. and H. F. do the like, &c. therefore let a jury come thereupon before the lords the keepers, &c.

Replication

Rejoinder.

Issue.

Indictments for Escapes and Rescues.



Indictment for an Escape and Rescue.

The King against Blake, and others.

Michaelmas, 1st James II.

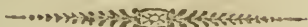
For contriving the escape of a man in the custody of a messenger for treasonable practices, by dressing him in woman's clothes, whereby he escaped from the messenger

Middlesex, } **T**HAT Thomas Atterbury, one of the messengers in ordinary, of the chamber of the lord the king, on the day and year, &c. at, &c. by virtue of a warrant in writing, under the hand and seal of the most noble Robert, Earl of Sunderland, baron S. of W. then one of the privy-council of the lord the now king, and principal secretary of state, to the said Thomas Atterbury in that behalf directed, the body of one Daniel Blake, of, &c. took, and him the said D. B. then and there to wit, on the said day and year, &c. in the house of the said T. A. situate in the parish, &c. in his custody, by virtue of the warrant aforesaid detained, for the occasion of certain dangerous and traitorous practices in the warrant aforesaid specified and contained, one E. B. of &c. and M. B. of, &c. well knowing the premisses, but devising, practising, confederating, and among themselves fraudulently and *deceitfully intending to hinder and obstruct the due course of law, and to cause the said D. B. from the due pain and punishment in that behalf to escape, and go at large, and to fulfil, perfect and bring to effect their most wicked devices, practices and intentions aforesaid, they the said E. B. and M. B. on the day and year, &c. aforesaid, came to the said house of the said T. A. situate in the said parish, &c. and then and there with force and arms, falsely, unlawfully, unjustly, fraudulently, subtilly and deceitfully him the said D. B. in women's garments did dress and disfigure, and each of them him the said D. B. then and there in women's garments did dress and disfigure, and that the said E. B. and M. B. then and there, with force and arms, falsely, unlawfully, unjustly, fraudulently, subtilly and deceitfully the said D. B. so as aforesaid, in the garments aforesaid dressed and disfigured, from the custody of the said T. A. did take, carry away and rescue, and each of them did take, carry away and rescue, and did cause and each of them did cause and procure the said D. B. to escape and go at large wheresoever he would, against the will of the said T. A. to the evil example, &c. and against the peace, &c.

*P. 195.

Indictments

Indictments and Informations for Nuisances, &c.



Indictments and Informations, 1. For Nuisances, 2. For not Repairing Highways.

The King against Brooks.

To wit, } **T**HAT John Bowles, late of, &c. merchant, Indictment
on the 1st day of February, in the 30th year for a nuisance by
of the reign of our lord Charles the 2d, by the grace of God, of England, &c. king, &c. and continually afterwards, until the keeping a
of the day taking of this inquisition, with force and arms, &c. at glass-house,
parish, &c. a certain glass-house there situate, lately before that
time, by a certain person to the jurors aforesaid unknown erected,
upon the west part of a certain publick street, called Stoney-
street, in the parish and county aforesaid, nigh adjacent to the
mansion houses of divers of the liege subjects of the said lord
the king there situate, unlawfully and unjustly did continue, and
as yet doth continue. And that the said J. B. for the whole time
aforesaid, with force and arms, &c. at the parish aforesaid,
in the county aforesaid, in the said glass-house of the said J.
B. unlawfully and unjustly did make, have and keep, and did
cause to be made and kept as well by night as by day, great,
terrible and large fires of sea coals, and of other noxious
things, by reason of which great quantities of fire, and of
putrified smoke from the said fire, then and there within the
time aforesaid, as well by night as by day, have arisen and do
arise, so that the air there is rendered very insalubrious, to
the great danger of burning the mansion-houses of divers liege
subjects of the said lord the king, adjacent to and joining the
said glass-house of the said J. B. to the common nuisance of
all the liege subjects of the said * lord the king, going, labouring and passing in by and through the said street with their
horses, coaches and carriages, and to the common nuisance of
all others nigh thereto inhabiting and residing, &c. and against
the peace, &c. &c.

* P. 196.

Judgments and Informations for Nuisances, &c.

The King *against* H. P.

Information
for a nui-
sance by
encroach-
ing on the
highway.

Kent, } **T**HAT one H. P. late of London, carpenter,
To wit, } on the 1st day of October, in the 27th year
of the reign of our lord Charles the 2d, by the grace of God,
of England, &c. king, &c. with force and arms, &c. at, &c.
in and upon the king's common highway, in a certain place
there, commonly called Challock, leading from Challock to
Chareing, in the county aforesaid, by a certain structure or
edifice there, containing in length twenty feet, and in breadth
eight feet, before that time erected and built by the said H.
unlawfully and unjustly hath incroached and as yet doth in-
croach, and the structure or edifice aforesaid, so as aforesaid,
before that time erected and built by the said H. from the said
day and year, &c. to the day of the exhibition of this infor-
mation at Challock aforesaid, in the said county, with force
and arms, &c. unlawfully and unjustly hath continued, and as
yet doth continue, by reason of which the king's common high-
way aforesaid, hath become greatly confined and straitened so
that the liege subjects of the said lord the king in and through
the said king's common highway, cannot go, pass, ride and
labour with their horses, coaches and carriages, as they ought
and have been accustomed, to the great and common nuisance
of all the liege subjects of the said lord the king, going,
passing, riding and labouring in and through the king's com-
mon highway aforesaid, and against the peace of the said lord
the new king his crown and dignity, whereupon the said at-
torney, &c. &c.

The King *against* Baxter.

Hilary, 1st James the 2d.

Information
for an in-
croachment
on the river
Thames.

Middlesex, } **T**HAT Nicholas Baxter, late of, &c. in the
To wit, } county, &c. in the year, &c. with force and
arms, &c. at the parish, &c. in the said county, three several
parts

Indictments for Nuisances, &c.

parts of the soil and ground of the river Thames there, to wit, one of the said parts containing in length thereof twenty feet, and in breadth thereof ten feet, the second of the said parts containing in length thereof thirty feet, and in breadth thereof four feet, and the third of the said parts containing in length thereof thirty feet, and in breadth thereof twenty-four feet, for the erecting and building of three wharfs, in and * upon the soil and ground of the river Thames, unlawfully *P. 197. and unjustly did inclose and incroach, and the said parts of the soil and ground of the said river Thames, (then and from the time whereof the memory of man is not to the contrary, being the king's common highway, for all liege subjects of the said lord the king, with their boats, hoys, and other vessels in through and upon the river Thames aforesaid, about their necessary business, with their goods, chattels and merchandize to pass, row, sail and labour at their pleasure) there so as aforesaid by him the said N. B. inclosed and incroached with the said wharfs, from the said 7th day of February, in the year, &c. aforesaid, to the day of the exhibition of this information aforesaid, at the parish aforesaid, in the county aforesaid, wilfully, unlawfully and unjustly he the said N. B. did keep, maintain and continue, and as yet doth keep, maintain and continue, to the great damage and common nuisance, obstruction, impediment and danger of all the said liege subjects of the said lord the king, in through and over the said parts of the river Thames aforesaid, and king's common highway aforesaid, with their boats, hoys, and other vessels about their necessary business, with their goods, chattels and merchandize, going, rowing, sailing and labouring, to the evil example, &c. and against the peace, &c. &c.

The King against Harvey.

Essex, } **T**HAT one Richard Harvey, late of Stratford Information
 To wit. } Langton, in the parish, &c. on the 1st day of for stopping
 March, in the 26th year of the reign of our lord Charles the up the high
 2d, by the grace of God, of England, &c. king, &c. and at way with
 divers other days and times as well before as after, with force pieces of
 and arms, &c. at, &c. as well in and upon the king's common timber.
 highway, as in and upon the common foot way there leading
 from Stratford Langton aforesaid, to the village of Epping,
 in the said county of Essex, divers great pieces of timber did
 lay and place, and did cause to be laid and placed. And the
Hh said

Indi&ments for Nuisances, &c:

said great pieces of timber so as aforesaid laid and placed, from the said 1st day of March, in the said 24th year, &c. aforesaid, to the day of the exhibition of this information, as well in and upon the king's common highway aforesaid, as in and upon the common foot way aforesaid, did permit and as yet doth permit to be, lie and remain, to the great common nuisance of all the liege subjects of the said lord the king, as well in and by the king's common highway aforesaid, as in and by the common foot way aforesaid, going, passing, riding and labouring, against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c.

*P. 198.

* The King against Cole.

Hilary, 35th Charles II.

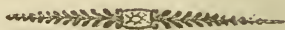
Information
for a nui-
sance in
keeping of
a soap-
boiler's
house, and
boiling soap
there.

Middlesex, } **T**HAT John Cole, late of the parish of St. Martin in the fields, in the county of Middlesex, soap-boiler, on the day and year, &c. at, &c. at the parish, &c. in a certain place there, nigh to a certain street, called the Haymarket, and to a certain other street, called James's-street, situate in the parish, &c. in the county, &c. and also nigh to the mansion houses of divers honourable persons, and of other liege subjects of the said lord the now king there situate, did make, place, build and erect, and did cause to be made, placed, built and erected a certain soap-boiler's house, furnace, and boiling vessel, for the boiling of soap, and for the melting of putrid tallow, fat, grease, and of other noisome, bad-smelling, pestilential things, and that the said John Cole afterwards to wit, on the day and year, &c. aforesaid, and at divers other days and times as well before as after, at, &c. as well in the night as in the day, with force and arms, &c. unlawfully and unjustly in the furnace aforesaid, under the boiling vessel aforesaid, did make and cause to be made mighty and great fires of sea coal, which fires of sea coal, great quantities of unwholesome and insalubrious smoak for the whole time aforesaid, did emit and daily do emit, and that the said John Cole afterwards to wit, on the day and year, &c. and at divers other days and times as well before as after, with force and arms, &c. at, &c. unlawfully and unjustly with the mighty and great fires so as aforesaid made in the said furnace,

Indictments for Nuisances, &c.

great quantities of putrid tallow, fat, grease, soap, and other noisome and bad-smelling pestilential things, in the boiling vessel aforesaid, did melt and boil, by the reason of which the air there is rendered very insalubrious, and was and is greatly filled and infected with many offensive, dangerous and unwholesome smells, to the common nuisance of all the liege subjects of the said lord the now king, going, passing, riding, and labouring, in, by or through the said streets, and the king's highways nigh thereto adjacent, and also of divers honourable persons, and other liege subjects of the said lord the now king nigh thereto inhabiting, residing and dwelling, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c. &c.

Indictments for not repairing Highways.



*P.199. *Indictments for not repairing Highways.*

The King *against* Fanshaw.

Michaelmas, 29th Charles II.

Record up-
on a
Writ of er-
ror upon a
conviction
for not re-
pairing a
common
bridge,
which the
defendant
was by te-
nure bound
to repair.

Essex, } THE lord the king hath sent to his justices,
To wit. } assigned by his letters patent, to enquire by
the oath of good and lawful men of the county of Essex, by
whom the truth of the matter might be the better known and
enquired into, or by other ways, methods and means by which
they might or could know better, as well within liberties as
without, more fully the truth of certain treasons, misprisions
of treasons, insurrections, rebellions, counterfeittings, clip-
pings, washings, false coinings and other falsities of the monies
of this kingdom of England, and of other kingdoms or do-
minions whatsoever, and of certain murders, felonies, man-
slaughters, killings, burglaries, rapes of women, unlawful
meetings and conventicles, unlawful uttering of words, mis-
prisions combinations, false allegations, trespasses, riots, routs,
retentions, escapes, contempts, falsities, negligences, conceal-
ments, maintenances, oppressions, champarties, deceits, and
all other misdeeds, offences and injuries whatsoever, and also
of the accessaries of the same, within the county aforesaid, as
well within liberties as without, by whomsoever and howsoever
had, done, committed or perpetrated, and by whom, or to
whom, when, how and in what manner, and of all other ar-
ticles and circumstances the premisses, and every or any of
them howsoever concerning, and for that time to hear and de-
termine the said treasons and the other premisses, according to
the laws and customs of his kingdom of England, and to every
of them his writ close in these words, to wit, Charles the 2d,
by the grace of God, of England, Scotland, France and Ireland
king, defender of the faith, &c. to our justices assigned by our
letters patent, to enquire by the oath of good and lawful men
of our county of Essex, by whom the truth of the matter
might

Writ of
error.

Indictments for not repairing Highways.

might be the better known and enquired into, or by other ways, methods and means, by which they might or could know better, as well within liberties as without, more fully the truth of certain treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the monies of this our kingdom of England, and of other kingdoms and dominions whatsoever, and of certain murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful assemblies and conventicles, unlawful uttering of words, combinations, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and all other misdemeanors, offences, and injuries whatsoever, and also of the accessaries of the same, within the said county, as well within liberties as without, by whomsoever and howsoever had, done, *perpetrated or committed, and by whom or to whom, where, *P. 200. how and what manner, and of all other articles and circumstances, the premisses, and every or any of them howsoever concerning; and for that time to hear and determine the said treasons and the other premisses, according to the laws and customs of this our kingdom of England, and to every of them greeting. Because in the record and process, and also in the giving of judgment of a certain indictment made, against Thomas Fanihaw, late of Barking, in the county of Essex, knight, for certain trespasses, contempts and nuisances whereof he is indicted, and thereupon by a certain jury of the country, between us and the said Thomas Fanihaw taken, is convicted, as it is said manifest error hath intervened, to the great damage of the said T. F. as from his complaint we have received information, we willing that the error, if any there be, in due manner be corrected, and that full and speedy justice be done to the said T. F. in this behalf command you that if judgment be thereupon given, then that you or one of you send to us the record and process aforesaid, with all things touching the same, under your seals, or the seal of one of you, distinctly and openly, and this writ, so that we may have them from the day of St. Michael in three weeks, wheresoever we shall then be in England, that inspecting the record and process aforesaid, we may further cause to be done thereupon, for correcting that error, that which of right, and according to the law and custom of our kingdom of England shall be to be done. Witness ourself at Westminster, the 14th day of July, in the 29th year of our reign.

The record and process of a certain indictment with all things touching the same, whereof mention is made in this writ, I have caused to be sent before the Lord the king at Westminster, at the day and place in this writ contained, as by this writ I am commanded. The answer of
Edward

Indictments for not repairing Highways.

Edward Thurland, knt, one of the barons of the Exchequer of the said lord the king, and one of the justices within written.

~~The~~ record. *Essex*, to wit, Heretofore by a certain inquisition taken for the lord the king, at Chelmsford, in the county of *Essex* aforesaid, on Monday the 3d day of April, in the 26th year of the reign of our lord Charles the 2d, by the grace of God of England, &c. king, &c. before Matthew Hale, kt. chief justice of the said lord the king, assigned to hold pleas before the king himself, Thomas Twysden, knight and baronet, one of the justices of the said lord the king, assigned to hold pleas before the king himself, and William Hicks, baronet, and others; their fellows justices of the said lord the king, assigned by letters patent of the said lord the king, under the great seal, made to them, to others, and to any three or more of them, whereof one of them the said Matthew Hale and Thomas Twysden, the said lord the king would have to be one, to enquire by the oath of good and lawful men of the county aforesaid, by whom the truth of the matter might be the better known and enquired into, and by other ways, methods and means by which they might or could know better, as well within
*P. 201. liberties as without, more fully the truth of certain treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the monies of this kingdom of England, and of other kingdoms and dominions whatsoever, and also of certain murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful assemblies and conventicles, unlawful uttering of words, combinations, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and other misdeeds, offences and injuries whatsoever, and also the accessaries of the same, in the said county as well within liberties as without, by whomsoever and howsoever had done, perpetrated and committed, and by whom, to whom, where, how and in what manner, and of other articles and circumstances, the premisses and every or any of them howsoever concerning; and for that time to hear and determine the said treasons and the other premisses, according to the law and custom of England, by the oath of T. Wynch, of D. esquire, and others, good and lawful men of the said county, then and there sworn and charged to enquire for the said lord the king, and for the body of the said county it is presented, that a certain common bridge, commonly called Daggenham Beam, lying and being in the parish of Daggenham, in the county of *Essex* aforesaid, in the king's common highway there, leading from Daggenham aforesaid, in the county aforesaid, to the town of Raynham in the said county, always and from the time whereof, the memory of man is not to the contrary, being
the

Indictments for not repairing Highways.

the king's common highway for all the liege subjects of the said lord the king and his ancestors, with their horses, carts and carriages, to go, pass, ride and labour upon, at their will and pleasure, on the 11th day of March, in the 26th year of the reign of our lord Charles the 2d, of England, &c. king, &c. was and as yet is in great decay and ruin, so that the liege subjects of the said lord the now king, in and upon and over the said bridge, with their horses, carts and carriages could not, nor cannot go, pass, ride and labour as they ought, and have been accustomed to do, to the great damage and nuisance of all the liege subjects of the said lord the king, by upon and over the said bridge, going, passing, riding and labouring, and against the peace of the said lord the now king his crown and dignity, &c. And that Norton Knatchbull, late of Barking, in the county aforesaid, bart. and Thomas Fanshaw, late of Barking aforesaid, in the county aforesaid, knight, by reason of the tenure of certain lands lying in the parish of Barking aforesaid, and elsewhere, in the said county of Essex, late the lands of the abbess of the abbey of Barking aforesaid, the said common bridge ought to make, repair and amend, as often as and whensoever there hath been need, and they have not done, &c. Whereupon the sheriff was commanded by the writ of the said lord the king, to the sheriff of the said county directed, that he should not omit by reason of any liberty in his bailiwick, but that he should cause the said Norton Knatchbull and Thomas Fanshaw, to come to answer, &c. before the justices of the said lord the king, assigned to enquire of all felonies, trespasses, and other misdemeanors, offences and injuries whatsoever, and also to hear and determine the said felonies, and other the premises in the said county perpetrated. And afterwards to wit, at the session of Oyer and Terminer, held for the county aforesaid, on Monday the 10th day of June, in the 28th year of the reign of the said lord the now king, at Chelmsford, in the county aforesaid, before T. Jones, knight, one of the justices of the said lord the king, assigned to hold pleas before the king himself, William Hicks, baronet, and John Brampston, knight of the bath, and others their fellows, justices of the said lord the king, assigned by letters patent of the said lord the king, under his great seal of England, made to them and to others, and to any three or more of them, of whom the said lord the king would have that the said Thomas Jones should be one, to enquire by the oath of good and lawful men of the county aforesaid, by whom the truth of the matter might be the better known and enquired into, and by other ways, methods and means, by which they could or might know better, more fully the truth of certain treasons, misprisions of treason, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the monies of this kingdom of England, and of other kingdoms

Venire to
answer
awarded.

*P. 202.

and

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and dominions whatsoever, and of certain murders, felonies, manslughters, killings, burglaries, rapes of women, unlawful meetings and conventicles, unlawful uttering of words; combinations, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and other misdeeds, offences and injuries whatsoever and alio the accessaries of the same, within the said county, as well within liberties as without, by whomsoever and howsoever had, done, committed and perpetrated, and by whom, to whom, when, how, and in what manner, and of the other articles and circumstances the premisses, and every or any of them howsoever concerning, and to hear and determine for that time the said treasons and the other premisses, according to the law and custom of this kingdom of England, cometh the said Thomas Fanshaw in his proper person, and having had oyer of the said indictment, saith, that he by reason of the tenure of the said land, in the said indictment specified, ought not to make, repair and amend the said bridge, and of this he puts himself upon the country, and John Smith, gent. who for the said lord the king in this behalf prosecutes doth the like, &c. And the said Thomas Fanshaw further saith, that the said bridge is within the parish of Daggenham aforesaid, in the county aforesaid, and that the inhabitants of the said parish of Daggenham, of common right ought to make, repair and amend the said bridge, and for the not repairing of the same now here in like manner are indicted, and are the parties who prosecute the said indictment against the said T. F. and for that cause the said T. F. prays the writ of venire facias of the said lord the king, to be directed to the sheriff of the said county, that he cause to come before the justices of the said lord the king, assigned to enquire of all felonies, trespasses, and other offences, misdeeds and injuries whatsoever, and also to hear and determine the said felonies, and other the premisses in the said county perpetrated, at the next session of oyer and terminer, to be held for the said county, twelve, &c. of the vicinage of Brentwood, in the said county, which is the vill and vicinage in the said county, next adjacent to the said parish of * Daggenham, in the said county, to try the issue aforesaid, in the form aforesaid above joined; therefore by the direction of the court, and of the aforesaid justices last named, and by the consent of the said John Smith, who prosecutes, &c. the sheriff of the county aforesaid is commanded that he do not omit, &c. but that he cause to come before the justices of the said lord the king, assigned to enquire of all felonies, trespasses, and other misdeeds, injuries and offences whatsoever, and also to hear and determine the said felonies, and other the premisses in the said county perpetrated, at the next session of oyer and terminer for the county aforesaid to be held, twelve, &c. of the vicinage of

Plea that defendant ought not to repair ratione tenuræ, &c.

Suggestion that the inhabitants of Daggenham ought to repair, and therefore prayer that the venire be awarded to the next vill Brentwood.

*P. 203.

Venire awarded to Brentwood.

Indictments for not repairing Highways.

of Brentwood aforesaid, by whom, &c. who neither, &c. to recognize, &c. because as well, &c. the same day is given as well to the said John Smith, gent. who prosecutes as to the said T. F. At which next session of oyer and terminer held for the said county, to wit, at the session of oyer and terminer held for the said county, on Monday the 12th day of March, in the 29th year of the reign of our Lord, Charles 2d, &c. before Hugh Windham, knt. one of the justices of the bench of the said lord the king, Andrew Jenner, baronet, and Thomas Lee, esquire, and others their fellows justices of the said lord the king, assigned by the letters patent of the said lord the king, under the great seal of this kingdom of England, made to them and to others, and to any three or more of them, of whom the said lord the king would have that the said Hugh Windham should be one, to enquire by the oath of good and lawful men of the said county, by whom the truth of the matter might be the better known and enquired into, and by other ways, methods and means by which they could or might know better, as well within liberties as without, more fully the truth of certain treasons, misprisions of treason, insurrections, rebellions, counterfeittings, clippings, washings, false coinings, and other falsities of the monies of this kingdom of England, and of other kingdoms and dominions whatsoever, and of certain murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful assemblies and conventicles, unlawful uttering of words, combinations, confederacies, false allegations, riots, routs, retentions, escapes, contempts, falsities, negligences, concealments, maintenances, oppressions, champarties, deceits, and other misdeeds, offences and injuries whatsoever, and also the accessaries of the same, in the said county, as well within liberties as without, by whomsoever and howsoever, had, done, committed and perpetrated, and by whom, to whom, when, how and in what manner; and for that time to hear and determine the said treasons, and the other premisses, according to the laws and customs of this kingdom of England, come as well the said John Smith, who prosecutes, &c. as the said T. F. in his proper person; and the jury appears. Jury appear.

rors of the said jury by John Morecroft, then sheriff of the said county for this purpose impanelled, to wit, Edward Goulding, &c. being called, come, and whereupon here in court public proclamation being made for the lord the king, as the Proclama- Proclama-

tion. tion.

custom is, that if there be any one who would inform the said justices last named, or the serjeant at law of the said lord the king, or the attorney-general of the said lord the king, concerning the premisses, that he should come forth and should be heard And thereupon Francis Brampton, serjeant at law, who for the lord the king in this behalf prosecutes, offered himself to do this, whereupon it was proceeded to the taking of the said

* jury, by the said jury now appearing, who being elected, *P. 204.

I i

tried,

Indictments for not repairing Highways.

Verdict for the king.	tried and sworn to speak the truth of and concerning the premisses, say upon their oath, that the said Thomas Fanshawe, by reason of the tenure of the said lands, lying in the parish of Barking aforesaid, and elsewhere in the said county of Essex, late the lands of the abbess of the abbey of Barking aforesaid, ought to make, repair and amend the said common bridge, as often as, and whensoever there should be need, and that he hath not done it, in the manner and form as by the indictment aforesaid is supposed against him. Whereupon all
Judgment.	and singular the premisses being seen and by the court here fully understood, it is considered by the court here, that the said T. F. pay to the said lord the king, twenty pounds for his fine, by the court here upon him laid, for and by occasion of the trespass, offence and nuisance aforesaid, whereof he is in the form aforesaid convicted, and that the said T. F. be taken to satisfy the said lord the king for the said fine. And now to wit, on Monday next after the octave of St. Martin, in this same term, before the lord the king at Westminster, comes the
Defendant surrenders himself to the marshal	said T. F. in his proper person, and surrenders himself prisoner to the marshal of the marshalsea of the lord the king before the king himself, for the occasion aforesaid, who is committed to the said marshal, &c. And forthwith saith, that on the record and proceedings aforesaid, and also in the rendition of the judgment aforesaid, there is manifest error in this to wit, because
Errors assigned.	that it doth not appear in and by the said indictment, against the said N. K. baronet, and him the said T. F. that they the said N. K. and T. F. ought to make, repair and amend the bridge in the said indictment mentioned, as often as and whenever there hath been need, by reason of the tenure of the lands in the said indictment specified, as all those whose estate they the said N. and T. now have in those lands, have been accustomed from the time whereof the memory of man is not to the contrary, to make, repair and amend the said bridge, as by the law of the land ought to be. Also there is manifest error in this, because that the said jury impanelled and sworn to try the issue aforesaid, upon the indictment aforesaid, so as aforesaid joined, did give their verdict, that the said T. F. by reason of the tenure of the said lands lying and being in the said parish of Barking and elsewhere, in the said county of Essex, late the lands of the abbess of the abbey of Barking aforesaid, ought to make, repair and amend the said bridge, as often as and whenever there should be need, in the manner and form as by the said indictment above is supposed against him, whereas by that indictment it is found that the said N. K. and T. F. ought to make, repair and amend the said bridge, as often as, and whenever there should be need, by reason of the tenure of the said lands, therefore in that there is manifest error, Whereupon the said T. F. prays judgment, and that the judgment aforesaid, for the errors aforesaid, and others being

Indicements for not repairing Highways.

being and found in the record and proceedings aforesaid, may be reverted and entirely annulled; and that he the said T. F. may be restored to all things which he hath lost by occasion of the said judgment, and that the court here may proceed to the examination of the record and proceedings aforesaid. And because that the court of the said lord the king here are not yet advised to give their judgment of and upon the premisses, day is given thereupon to the said T. F. in the state as now, &c. until the 15th day of St. Martin wheresoever, &c. to hear their judgment thereupon, &c. and thereupon the said T. F. is delivered on bail to John Fanthaw, of Parslees, in the county of Essex, esquire, and to Thomas ———, of the parish of St. Dunstan in the * west, London, saddler, until the said term * P. 205. and so from day to day until that, &c. to prosecute the writ of error with effect, to wit, each of the pledges of the said T. F. under the pain of twenty pounds, and himself under the pain of forty pounds, which, &c.

This case is reported 1 Ventris 331, and in 3 Keble 855, but it does not appear whether the judgment was reversed or affirmed.

The King against the Inhabitants of the County of Essex.

Trinity, the 30th of Charles the II.

Essex, } **T**HAT from the time whereof the memory of
To wit. } man is not the contrary, there was and yet is not re-
is a certain common stone bridge, commonly called Daggenham-
bridge, otherwife Daggenham-beam, situate, lying and being common
in the severall parishes of Horn church and Daggenham in the
said county, in the king's common highway leading from the
parish of Raynham, in the county aforesaid, to the parish of
Daggenham aforesaid, in the county aforesaid, and so towards
the city of London, for all the liege subjects of the said lord
the now king, and of his predecessors late kings and queens of
this kingdom of England, with their horses, coaches, carts and
carriages, to go, return, pass, ride and labour without any im-
pediment at any time of the year, which bridge on the 1st day
of May, in the 29th year of the reign of our lord Charles the

Indiſiments for not repairing Highways.

2d. by the grace of God, of England, &c. king, &c. at the ſeveral pariſhes of Horn-church and Daggenham aforeſaid, in the county aforeſaid, was and yet is very ruinous, dangerous, broken, and in ſuch decay for want of repairing and amending the ſame, ſo that the liege ſubjects of the ſaid lord the king, over, beyond and upon the ſaid bridge without great danger of their lives, and the loſs of their limbs and goods, cannot go, return, paſs, ride and labour with their horſes, coaches, carts and carriages as they ought, and have been accuſtomed and for the whole time aforeſaid have been uſed and accuſtomed, to the great and common nuaſance of all the liege ſubjects of the ſaid lord the king, over beyond and upon the ſaid bridge, with their horſes, coaches, carts and carriages, going, returning, riding, paſſing and labouring, and againſt the peace of the ſaid lord the now king his crown and dignity, &c. And that it cannot be known that any hundred, riding, wapentake, city borough, town or pariſh, or particular perſon or body corporate ought to make, build, repair and amend the ſaid bridge; nor can it in any manner be made to appear that the ſaid bridge was ever heretofore made, rebuilt, repaired or amended by any hundred, riding, wapentake, city, borough, town or pariſh, or particular perſon or body corporate; and that the inhabitants of the whole county of Eſſex, ought to make, rebuild, repair and amend the ſaid bridge, according to the form of the ſtatute in ſuch caſe made and provided. * Nevertheless they the ſaid inhabitants of the ſaid county have not rebuilt or repaired the ſaid bridge as they ought to have done, but have permitted and as yet do permit the ſaid bridge altogether to be and remain ruinous and unrepaired from the ſaid 1ſt day of May, in the year aforeſaid hitherto, to the great damage and common nuaſance of all the liege ſubjects of the ſaid lord the now king. Whereupon the ſaid coroner and attorney of the ſaid lord the now king, for the ſaid lord the king, prays the conſideration of the court here in the premiſſes, and the due proceſs of law to be awarded againſt the ſaid inhabitants of the ſaid county in this behalf, to make them to answer to the ſaid lord the king, of and touching the premiſſes, &c. Whereupon the ſheriff of the ſaid county is commanded that he do not omit, &c. but that he cauſe the ſaid inhabitants of the ſaid county of Eſſex, to come to answer, &c. And now to wit, on the Wedneſday next after three weeks of the Holy Trinity, before the lord the king at Weſtmiſter, come Charles Argoll and John Stephens, gentlemen, two inhabitants of the ſaid county of Eſſex, in the name of all the inhabitants of the ſaid county of Eſſex, by Philip Ward their attorney, and having heard the information aforeſaid, ſay that the ſaid inhabitants of the ſaid county of Eſſex, ought not to be charged for the repairing and amending of the ſaid bridge, becauſe they ſay that heretofore to wit, by a certain inquiſition taken for the ſaid

† 22 Hen.
3. c. 5. ſ. 2.
3.
* P. 206.

Proceſs
prayed.

Venire to
answer
awarded.

Plea by two
inhabitants
in the name
of all the
reſt, of the
preſent-
ment ver-
dict and

Indictments for not repairing Highways.

faid lord the king, at Chelmsford, in the county of Essex judgment
aforesaid, on Monday the 3d day of August, in the 26th year against the
of the reign of our lord Charles the 2d, by the grace of God, prosecutor,
of England, &c. king, &c. before Matthew Hale, knt. then that he
chief justice of the said lord the king, assigned to hold pleas ought to
before the king himself, Thomas Twysden, knight and baronet, repair.
then and as yet one of the justices of the said lord the king,
assigned to hold pleas before the king himself, and William
Hicks, baronet, and others their fellows justices of the said
lord the king, assigned by letters patent, &c. "*And so plead*
the next preceding record of the indictment found at the assizes, against
Sir Thomas Banshaw, for not repairing the said bridge, and the con-
viction and judgment thereon," as by the record and proceedings
thereupon, which the said lord the now king hath lately made
to come before him to be corrected for error in the court of the
said lord the now king, before the king himself here remaining
at Westminster manifestly appeareth. And further the said C.
Argoll and J. Stephens, two inhabitants of the said county of
Essex, in the name of all the inhabitants of the said county,
say and will verify, that the said bridge in the said re-
cord and judgment mentioned, and the bridge in the said in-
formation mentioned and expressed, is one and the same bridge,
and not another nor different, and that the said judgment as
yet stands and remains in all its full force, vigour and effect,
unreversed and without being annulled. And this the said C. A.
and J. S. two inhabitants of the said county of Essex, in the
name of all the inhabitants of the said county, are ready to
verify, wherefore they pray judgment, and that the said in-
habitants of the said county of Essex by the court here may be
dismissed and discharged of the said premisses in the said infor-
mation contained.

Edmund Saunders.

* And Samuel Astry, knt. now coroner and attorney of the *P. 207.
lord the king, in the court of the said lord the king, before Demurrer.
the king himself, who for the said lord the king in this behalf
prosecutes, having heard the plea of the said Charles Argoll
and John Stephens, two of the inhabitants of the said county,
in the manner and form aforesaid above pleaded, for the said
lord king saith, that the said plea and the matter in the same
contained, are not sufficient in law, &c. *and so demurs in law*
and the defendants join in demurrer.

*In this case judgment was given for the king, because the bridge
in the information, and the bridge in the plea, are not the same bridge;
the one is laid to be in one parish, and the other in two parishes. The
case is reported in Raymond 384.*

Indicements for not repairing Highways.

The King *against* the Inhabitants of Stains and Egham.

Easter, 36th Charles II.

Information
for not re-
pairing a
public
bridge.

Surrey. } **T**HAT from the time whereof the memory
To wit. } of man is not to the contrary, there was
and as yet ought to be a certain common and public wooden
bridge, called Stains-bridge, lying over the river Thames, in
the several counties of Middlesex and Surrey, in the king's
highway leading from the market town of Stains, in the county
of Middlesex, to the town of Egham, in the county of Surrey,
and one part of the said bridge was and did lye in the parish of
Stains, in the said county of Middlesex, and the other part of
the said bridge was and did lye in the parish of Egham, in the
said county of Surrey, for all the liege subjects of the said lord
the king, with their horses, coaches, carts and carriages to go,
return, pass, ride and labour over and upon, for the whole
time aforesaid, at all times of the year, and without any impe-
diment. And that the said bridge from the 1st day of S. in the
year, &c. and continually afterwards until the day of the exhi-
bition of this information, at the several parishes of Stains,
in the county of Middlesex, and of Egham, in the county of
Surrey, was and as yet is totally broken and demolished, and
in so great decay that the liege subjects of the said lord the
king, with their horses, coaches, carts and carriages, over and
upon the said bridge, cannot go, return, pass, ride and labour
as they have been used and accustomed, to the great damage and
common nuisance of all the liege subjects of the said lord the
king, in, over and upon the said bridge, going, returning,
passing, riding and labouring; and the said attorney-general of
the said lord the king, for the said lord the king further saith,
that the said bridge is no within any liberty, city or town cor-
porate, and that it cannot be known that any hundred, riding,
wapentake, city, borough, town or parish, or certain person,
or body corporate, of right ought to make and repair the said
bridge; and that the inhabitants of the county of Middlesex
ought to make, repair and amend the said part of the said
bridge, so as aforesaid lying and being in the parish of Stains,

Indiements for not repairing Highways.

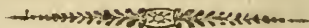
in the county of Middlesex, as often as and whenever need hath been. And that the inhabitants of the county of * Sur-[#] P. 208. rey aforesaid, ought to make, repair and amend the said part of the said bridge, so as aforesaid lying and being in the parish of Egham, in the said county of Surrey, as often as and † 22 H. 3. whenever need hath been, accordng to the form of the † sta- c. 5. l. 2, 3- tute in such made and provided. Nevertheless the inhabitants of the said county of Middlesex, and of the said county of Surrey, have not made nor repaired the said bridge, but have permitted as yet do permit the said bridge, from the 1st day of September, in the year, &c. to the day of the exhibition of this information, at the parish of S. in the county of Middlesex, and at the parish of E. in the county of Surrey, to remain very much broken, ruinous, and in great decay, and also totally demolished, to the common nuisance of all the liege subjects of the said lord the king, in, upon, over and beyond the said bridge, in the king's highway aforesaid, going, passing, riding and labouring, and against the peace of the said lord the king his crown and dignity, &c. whereupon the said attorney, &c. &c.

The King *against* the Inhabitants of the County of the City of Norwich.

Norfolk, } **T**HAT a certain common and public bridge, ^{Indiement}
 To wit. } commonly called Lakenham-bridge, lying for not re-
 and being at Lakenham, in the county of the city of Norwich, ^{pairing a}
 in the king's highway there, on the 1st day of March, in the ^{public}
 22d year of the reign of our lord Charles the 2d, by the grace ^{bridge.}
 of God, of England, &c. king, &c. was and as yet is very
 ruinous, broken, dangerous, noxious, and in such decay, for
 want of repairing and amending the same, so that the liege
 subjects of the said lord the now king, over, upon and beyond
 the said bridge, cannot go, return, pass and labour as they
 ought and have been accustomed without great danger of their
 lives, and the loss of their limbs and goods, to the great and
 common nuisance of all the liege subjects of the said lord the
 king, over, upon and beyond the said bridge, going, return-
 ing, passing and labouring, and against the peace of the said
 lord the now king his crown and dignity, and that the inhabi-
 tants of the whole county of the city of Norwich, ought to
 repair and amend the said bridge as often as and whenever need
 hath been, &c.

Indiements

Indictments for divers Misdemeanors.



*P. 209. * *Indictments for divers Misdemeanors.*

1. Against the Common Law. 2. Against Statutes.

1. Against the Common Law.

The King *against* Montague, and others.

Easter, 1st James II. Roll 19.

Information
for enticing
a man's
wife to
elope from
him, and to
live with
one of the
defendants
in adultery.

To wit. }

THAT William Montague, late of the parish of St. Giles in the fields, in the county of Middlesex, esquire, Dorothea Danvers, late of the city of Chichester, in the county of Suffex, spinster, and Godfrey Kneller, late of West-Deane, in the said county of Suffex, gentleman, being persons of evil name, fame, and of most wicked and dishonest conversation and reputation, and devising, practising, and among themselves most wickedly, basely and diabolically combining and intending, and each and every of them devising, practising and intending not only the happy state, quiet and peaceable tranquillity of John Lewknor, of West-Deane aforesaid, in the said county of Suffex, esquire, and of Jane his wife, by unlawful, impure, wicked and diabolical ways and means, to disquiet, despoil, infringe and molest, but also the person of the said John Lewknor, to ruin and entirely destroy; and that the said W. Montague, D. D. and G. K. to fulfil, perfect and bring to effect their most wicked, detestable and diabolical devices, practises and intentions aforesaid, on the 20th day of April, in the 1st year of the reign of our lord James the 2d, the now king, &c. at the parish of West-Deane, in the said county of Suffex, with force and arms, &c. unlawfully, unjustly, wickedly, infamously, most vilely and diabolically did stir up, tempt and solicit, and each and every of them, then and there did stir up, tempt and solicit the said Jane Lewknor, then and as yet the wife of the said John

Indictments for Misdemeanors.

John Lewknor, to desert the said John Lewknor her husband, and to elope from the said John Lewknor, and to commit adultery, and to live in adultery with the said W. M. And ^{2d Count.} the said attorney-general of the said lord the now king, for the said lord the king further gives the court here to understand and to be informed, that the said W. M. D. D. and G. K. to fulfil, perfect and bring to effect their most wicked and diabolical devices, practises and intentions aforesaid, on the said 20th day of April, in the year at resaid, at the parish of West-Deane, in the said county of Suffex, with force and arms, &c. falsely, unlawfully, wickedly and corruptly did take, carry away and convey, and did cause, and each and every of them then and there did cause to be taken, carried away and conveyed, from the house of the said J. L. and out of the custody of the said J. L. and against the will of the said J. L. to certain places to the said J. L. unknown, and for the use and benefit of the said W. M. divers goods and chattels and sums of money of the said J. L. to wit, one box made of olive wood, of the value of five pounds of the lawful money of * England, one hundred pieces of gold, called guinea pieces * ^{P. 210.} of gold, every piece thereof of the value of twenty shillings, of the like money, twenty other pieces of gold, called guinea pieces of gold, every piece thereof of the value of five pounds of the like money, one hundred other pieces of gold, called half guinea pieces of gold, every piece thereof of the value of ten shillings of the like money, twenty other pieces of gold, called old broad pieces of gold, every piece thereof of the value of twenty shillings of the like money, and one box made of gold, of the value of six pounds of the like money. And the said attorney-general of the said lord the king, fur- ^{3d Count.} ther gives the court here to understand and to be informed, that the said W. M. further to fulfil, perfect and bring to effect his most wicked, impure, vile, infamous and diabolical intentions aforesaid, on the 20th day of April, in the 1st year aforesaid, with force and arms, &c. at the parish of W. aforesaid, in the said county of Suffex, falsely, unlawfully, unjustly, wickedly, vilely, infamously and diabolically did make, compose, write and publish, and did cause to be made, composed, written and published a certain false, impure, corrupt, profane, vile, infamous and diabolical letter in writing, to the said J. the wife of the said J. L. bearing date the 26th day of February, 1604, which letter was directed then and there as follows, to wit, "*These for Madam Lewknor, of West-Deane in Suffex,* (meaning the said wife of the said John Lewknor, then abiding at West-Deane aforesaid, in the said county of Suffex) *humbly present,* (the tenor of which letter follows, to wit) *Thursday noon, being the 26th of Feb. 84-5.—My dear soul,* *thou only preserver of my life! oh thou divine being! how can I pay duty enough to thee for all thy immense goodness to me thy poor slave?*

K k

No,

Indictments for Misdemeanors.

No, I am never able to requite dearest thee if I should continue this thousand years, and yet if thou makest good thy dear promises, I shall go near to live a good part of them. I have now no further doubt but that thou art resolved to save me, therefore it is no matter how soon thy tyrant knows I cannot live without thee, for thou art mine, and I shall die if I am much longer absent from thee: Dearest angel dost wish thyself with me? ah thou may'st have me whenever thou pleasest, Oh don't let me want what we both so much desire, if it be thy blest will, for nothing can be physick to cure my dying body but thy divine presence; 'tis fine work these fellows Richard and Moody intend to make, my villain Mudley shall pay dear for his inquisitiveness, and being such a traitor to his master, but assure thyself it is only guessing, for I examined the boy, who protests he never saw nor knew he had a letter, or to whom directed; but I'll defer his punishment till I hear more from thee. Mrs. Savory may easily hinder them from finding out the plates, by sending them out of ^{the} house, and then she may say she hath them not. The esquire came here on Friday last, when I was at London; my mother Eve begged of him but to stay till I came home, which would be at night; no not he, for he said he had sworn never to lie in the house more, but declared he would spend 100*l.* in opposing my coming in for parliament man, he went away in a great rage, and told my mother he had a ridiculing letter from an unknown hand, who told him all that had passed in his absence. I fear all for thee, nothing for myself, for he is the pitifullest of men where he cannot domineer. By the love thou bearest me, suffer him not to strike nor abuse thy divine person, without giving me speedy notice of it, I claim this justice of thee, thou being my better part, and know I shall die with grief as well as absence, if I should live in dread of his beating thee, and thou not advertise me of it; I hope thou wilt not do so cruel a thing to thy faithful lover. No doubt but his worship brought home his delicate humour to thee on Saturday night, he spent most of that day at Midhurst, making all he could against me; he, together with his myrmidons, spread abroad that I was not at the charge of getting them their charter, and great many such silly nonsensical lies, he being, thou knowest, good at them. I sent Charles to the burghers on Monday, and he is not yet returned, so can send thee no account what lord Montague, the town and Mr. Alcock says, for I writ to them all; I hear that some of the burghers stickle very much for me; I will get it if possible, only if it be but to disturb my destroyer. Dearest, there is no fear of his taking my letters to thee, if our dear friend but let her trusty maid be at the post-house on Fridays, as soon as the letters come in; because he can have no way at coming at them, but to get the post-master to give him or his agents any letter directed to our friend, till he finds one; but if she takes this course, it is impossible for him to intercept a letter, therefore pray discourse it with her. Then for thy blest ones to me, never fear their being opened, send a packet if thou pleasest, there's no danger. I wonder not at all at the insolency of Richardson thy tyrant, and my destroyer intends to make all

Indictments for Misdemeanors.

*so to thee that he can; but, blessing on thy dear heart, his reign is but short. And since my life depends upon thy divine promise, let me once more, before I send this scribble, beseech thee upon my bended knees, to remember that I tell thee I cannot promise to secure my life to thee long, if I continue thus deprived of thee; and my destroyer is contriving all the ways he can invent to keep me from thee, he knows it will kill me, and that he knows will be the safest way to be rid of me: 'Tis only by thee and from thee I can receive my life, and thus my divinity, can'st frustrate his and all their cruelties to me; and since it is so, I fear nothing. And I pray and praise thee every day, by whose blest promises and mercy I live, and my days will not be long enough to express to dear thee my gratitude for thy saving me, thy poor slave; but while I breath thou shalt see me attend thee with the purest love, the vastest obedience, and the greatest reverence, that can or ever was paid by man. Ah, dearest life! what can I * re-
P. 210.

*turn thee for all thy benefits bestowed upon me, thy poor creature, only a heart brimfull of love and admiration of thee, the which will continue for ever, being I am thine and only thine, thou hast been pleased to accept of so mean a gift, for which be pleased to accept of the most humble thanks and eternal adoration of thy most dutiful and affectionate husband. On Monday night, Ned Thurland and three men coming from London all very drunk, one Simon the best of them fell into our gravel-pit and was drowned, the night being very dark, and it being about the hour of twelve; this comes of drunkenness. Thy dear sister is to be married on Shrove-tuesday, and at night to be laid upon her back as flat as a pancake, and no doubt will give and receive a curious time on't. Charles is just come in, and brings me an account what opposition there is against me, made by my lord, the squire, and Sir William Morley; but finds all that were barliffs, and above thirty are for me: I intend to come down once amongst them, and try how far it will go; next week I tell the more. God Almighty keep me in thy blest favour, and it is no matter what becomes of this affair. And the said attorney-general of the said
4th Count.*

*lord the king, for the said lord the king further gives the court here to understand and to be informed, that the said W. M. further to conceal and the sooner to fulfil, perfect and bring to effect his most wicked devices and intentions and diabolical purposes aforesaid, afterwards to wit, on the said 20th day of April, in the 1st year, &c. aforesaid, at the said parish of West-Deane, in the said county of Suffex, with force and arms, &c. falsely, unlawfully, unjustly, wickedly and diabolically did make, compose, write and publish, and did cause to be made, composed, written and published, a certain other corrupt and diabolical letter, bearing date the said 26th day of February, the tenor of which last mentioned letter follows to wit, " These for Mrs. Danvers, at Mr. Anderson's house in Chichester, in Suffex, with care and speed, present, February, 26th D. P. For fear any letter should be intercepted, I beg of you every Friday, be pleased to send any one you can trust to the post-house as it is come in, and when
the*

Indictments for Misdemeanors.

the mail is opened, let them take your letter, for we are afraid the esquire should send somebody to take it, which this way will prevent, which is all at present from your most obliged faithful servant, W.M."

And that the said William Montague, then and there to wit, on the said 20th day of April, in the 1st year, &c. aforesaid, at the parish of West-Deane aforesaid, in the county of Sussex, in further prosecution of his most wicked devices and intentions aforesaid, with force and arms, &c. unlawfully, unjustly, wickedly and diabolically the said first mentioned letter, directed as aforesaid, to the said Madam Lewknor, in the said last mentioned letter, directed as aforesaid, to the said Mrs. Danvers did place and inclose, and did cause to be placed and inclosed, with intention that the said first mentioned letter might be delivered to the said Jane Lewknor, then and as yet being as aforesaid, the wife of the said John Lewknor, in contempt of the laws of this kingdom of England, to the great displeasure of Almighty God, to the final sorrow, great damage, affliction and * discomfort of the said John Lewknor, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. whereupon the said attorney-general, &c.

*P. 213.

The King against Dingley.

Michaelmas, 2d James II.

Information

in session
at the
windsor
from him.

To wit. } **T**HAT Thomas Dingley, late of, &c. and Sarah his wife, being persons of evil name, fame and conversation, and of wicked and dishonest reputation, and well knowing that one Jane Fane, the wife of Roden Fane, esquire, had a good and lawful personal estate, by articles of agreement, and also by divers indentures and conveyances at law, upon the marriage of the said R. and J. in certain trustees of the said J. for the proper use and behoof of the said J. from time to time, to be received, taken and disposed of by the said J. and doings, practising and among themselves most wickedly combining and intending, and each and every of them devising, y^e adding and intending to make a prey of the said J. and also to make prey of her estate, to them the said T. D. and S. and by divers unlawful ways and means, to bring the said R. F.

into

Indictments for Misdemeanors.

into hatred and contempt with the said J. his wife, and afterwards to fulfil, perfect and bring to effect their most wicked and detestable devices, practises and intentions, on the day and year, &c. and at divers other places in the said county, &c. with force and arms, &c. unlawfully, unjustly, wickedly and diabolically did stir up, tempt and solicit, and each and every of them did stir up, tempt and solicit the said J. F. then and as yet the wife of the said R. F. to go away from the said R. F. her husband, and to desert the said R. F. her husband, and to live in secret places, unknown to the said R. F. by which unlawful, unjust and wicked stirrings up, temptations and solicitations of the said T. D. and S. his wife, the the said J. F. the wife of the said R. F. unlawfully and unjustly, wickedly and diabolically at the parish of St. Ann, Westminster, in the county of Middlesex aforesaid, did desert and elope from the said R. F. her husband, against the will of the said R. F. into certain places, to the said coroner and to the said R. F. as yet unknown, and that the said T. D. and S. his wife, divers great sums of money from the said J. F. did obtain, and did convert and dispose to their own proper use, in manifest contempt of the laws of this kingdom of England, to the great displeasure of Almighty God, to the final sorrow, great damage, discomfort and affliction of the said R. F. to the evil and pernicious example, &c. and against the peace, &c. whereupon the said coroner, &c.

* The King *against* Aleway.

* P. 214.

. *Easter*, 35th Charles II.

Bucks. } **T**HAT Thomas Aleway, late of Great Marlow, Information
 To wit. } in the county of Bucks, barber-chirurgeon, for the like,
 being a person of evil name, fame and reputation, and of and living
 wicked conversation, and devising and intending by unlawful, with her in
 impure and diabolical ways and means to despoil, infringe and adultery.
 disturb the peace and quiet of one Owen Blower, late of the
 same, malster, he the said T. A. not having the fear of God
 before his eyes, but being moved and seduced by the instiga-
 tion of the devil, on the 1st day of June, in the 25th year of
 the reign of the lord Charles the 2d, the now king of Eng-
 land, &c. at Great Marlow aforesaid, in the county of Bucks
 aforesaid, wickedly, vilely, infamously and diabolically did
 tempt,

Indictments for Misdemeanors.

2d Count.

tempt, stir up and solicit one Ann, then and as yet the wife of the said O. to desert the said O. her husband, and to elope from the said O. and to commit adultery, and to live in adultery with the said T. A. And the said coroner and attorney of the said lord the king, for the said lord the king further saith, that the said T. A. in further prosecution of his most wicked devices and intentions, then and there to wit, between the said 1st day of June, in the 25th year of the reign of the said lord the now king aforesaid, and the day of the exhibition of this information, at the parish of Great Marlow, in the said county of Bucks, unlawfully, unjustly, wickedly and diabolically did solicit, stir up, persuade and procure the said A. B. then and as yet the wife of the said O. B. from the said O. B. her husband, without the leave and against the will of the said O. B. to fly, depart and elope, and with the said T. A. to remain and cohabit in divers secret places, to the said coroner and attorney, and to the said O. B. entirely unknown, by which unlawful, wicked and diabolical solicitations, persuasions, stirrings up and procurements of the said T. A. she the said A. B. the wife of the said O. B. then and there did elope, and withdraw and absent herself from the said O. B. and from the company, dwelling and society of the said O. B. her husband, without his leave, and against the will of the said O. B. and with the said T. A. in divers secret and wicked places for the space of eight years and more did remain and cohabit, and with him the said T. A. did live in adultery. And that the said T. A. then and there within the time aforesaid, unlawfully, wickedly and diabolically without the leave and against the will of the said O. B. the husband of the said A. B. did receive, maintain and abett the said A. B. so being departed, withdrawn and eloped from the said O. B. her husband, without the leave and against the will of the said O. B. her husband; and the said T. A. then and there also had carnal knowledge of the body of the said A. B. the wife of the said O. B. and with the said A. B. then and there unlawfully, unjustly, wickedly and diabolically did commit the crime of fornication and adultery, and with the said A. B. did live in adultery, to the great displeasure of Almighty God, to the great damage and discomfort of the said O. B. to the evil example of all others in the like case offending, and * against the peace of the said lord the now king his crown and dignity, whereupon the said coroner and attorney, &c. &c.

*P. 218.

Indictments for Misdemeanors

The King *against* Lord Grey.

Michaelmas, 34th Charles II. Roll.

To wit. } **T**HAT Ford, lord Grey, of Wark, R. C. late Information
of, &c. gentleman, A. C. wife of the said R. for enticing
C. D. J. F. J. wife of the said D. J. and R. J. with divers his wife's
other evil-disposed persons, to the said attorney-general of the sister from
said lord the king as yet unknown, on the 20th day of August, her father's
in the 34th year of the reign of our lord Charles the 2d, the house, and
now king of England, &c. and at divers other days and times living in
as well before as after, at the parish of Epfom, in the county adultery with her.
of Surrey, falsely, unlawfully, unjustly and most wickedly by
unlawful and impure ways and means, conspiring, devising,
practising and intending the final ruin and destruction of the
lady Henrietta Berkley, then a maiden unmarried, within the
age of 18 years, and one of the daughters of the most noble
George, earl Berkley, (the the said lady Henrietta Berkley,
then and there being under the wardship, government and
education of her father, the said most noble George, earl
Berkley) they the said Ford, lord Grey, R. C. &c. and divers
other persons unknown, then and there falsely, unlawfully,
unjustly and diabolically to fulfil, perfect and bring to effect
their most wicked, detestable and diabolical intentions afore-
said, did tempt, incite and solicit, and each and every of them
then and there did tempt, incite and solicit the said lady H. B.
to desert the said most noble G. earl B. the father of the said
lady H. B. and to commit whoredom, fornication and adultery,
and in whoredom, fornication and adultery with the said Ford
lord Grey, against all laws human and divine, impiously,
wickedly, vilely and scandalously to live and cohabit, (the said
F. lord G. then and long before, and as yet being the husband
of the lady Mary, one other daughter of the said most noble
George, earl Berkley, and sister of the said lady H. B.) And
that the said F. lord G. R. C. &c. and the other persons un-
known, with force and arms, &c. unlawfully, unjustly without
the leave, and against the will of the said most noble George,
earl Berkley, in prosecution of their most wicked conspiracies
aforesaid, her the said lady H. B. there about the hour of
twelve in the night of the said 20th day of August, in the year
aforesaid,

Indictments for Misdemeanors.

aforesaid, at the parish of E. in the county of S. aforesaid, out of the mansion house of the said most noble George, earl B. there situate and being, and out of the wardship and government of the said G. earl B. did take, lead and carry away. And did cause and procure, and each and every of them did cause and procure the said lady H. B. from the said 20th day of August, in the year aforesaid, and continually afterwards until the day of the exhibition of this information, at the parish of E. aforesaid, in the county aforesaid, and in divers secret places there with the said Ford, lord Grey, unlawfully, wickedly and scandalously to live, cohabit and remain, to the great displeasure of Almighty God, to the ruin and destruction of the said lady H. B. and to the affliction and discomfort of her friends, to the evil and pernicious example, &c. and against the peace, &c. whereupon, &c.

The trial of this case is in the State Trials, vol. 3. fol. 52v.

*P. 216.

* The King against Allen, and another.

Indictment
for kidnap-
ping and
carrying a
maiden
into parts
beyond sea,
into slavery.

To wit. } **T**HAT John Allen, late of, &c. and Thomas Parker, late of, &c. on the 10th day of September, in the 22d year of the reign of our lord Charles the 2d, by the grace of God, of England, &c. king, &c. with force and arms, &c. at London aforesaid, to wit, in the parish of St. Andrew, Holborn, in the ward of Farringdon without London aforesaid, in and upon one Grace Luther, spinster, the daughter of one Anne Vincent, in the peace of God and of the said lord the king, then and there being, unlawfully and wickedly did make an assault, and her the said Grace Luther then and there unlawfully and violently did beat, wound and ill-treat, and the said G. L. then and there, with force and arms, &c. against the will as well of the said G. L. as of the said A. V. her mother aforesaid, unlawfully, violently and wickedly did take, lead, carry away and carry off, and the said G. L. against the will as well of the said G. L. as the said A. V. into foreign parts and parts beyond the seas, called Virginia, then and there unlawfully, violently and for the sake of wicked gain, did lead, carry away, and transport, and did cause to be led, carried away and transported; and her the said

Indictments for Misdemeanors.

said G. L. there in Virginia aforesaid, in most miserable slavery, continually afterwards until the taking of this inquisition, unlawfully, violently, cruelly, and for the sake of wicked gain, did keep and detain, and did cause to be kept and detained, to the great damage and final destruction of the said G. L. to the great sorrow, grief and discomfort of the said A. V. the mother of the said G. L. to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c.

The King against Bayly, and others.

Michaelmas, 36th Charles II. Roll

To wit. } **T**HAT Abraham Bayly, of the parish of St. Information
bonkeath, otherwise Stepney, in the county of for kidnap-
Middlesex, esquire; William Haveland, otherwise Haver- ping a
land, of the parish, &c. yeoman, T. A. of the parish, &c. young man,
gentleman, and T. Hutchins, of the parish, &c. yeoman, be with intent
ing and each and every of them being persons greedy of great him beyond
gain, not regarding, and each and every of them not regarding seas, and
by what ways, methods and means they could acquire gain, there to sell
lucre and profit for themselves; although to the damage and him.
injury of others, on the 10th day of August, in the 36th year
of the reign of our lord Charles the 2d, the now king of
England, &c. with force and arms, &c. at, &c. one John
Winch, the son of Richard Winch, into a certain vessel, com-
monly called the Jeffrys, then being in the river Thames,
against the will of the said R. Winch, and Alice his wife, his
parents, and also of the friends of the said * John Winch, *P. 217.
craftily, subtilly, unlawfully and unjustly did convey and se-
duce, and did cause to be conveyed and seduced, and each and
every of them then and there did convey and seduce, and did
cause to be conveyed and seduced, with intention him the said
J. W. into parts beyond the seas, called Virginia, to convey
and transport, and in the said parts beyond the seas, to
sell and detain, for the wicked gain and profit of them the
said A. B. W. H. T. A. and T. H. to the great damage and
injury of the said J. W. and also of the parents and friends
of the said J. W. to the evil and pernicious example of all
others in the like case offending, and against the peace of the
said lord the now king his crown and dignity, &c. whereupon
the said coroner, &c.

Indictments for Misdemeanors.

The King *against* King.

Information
against a
person who
was duly
chosen con-
stable, for
refusing to
take the
oath of a
constable,
and to exe-
cute the
office.

To wit. } **T**HAT Robert King, of the borough of Wincanton, in the county of Somerset, yeoman, on the 8th day of October, in the 24th year of the reign of our lord Charles the 2d, the now king of England, &c. and long before and always afterwards, until the day of the exhibition of this information, was inhabiting and residing within the hundred of Norton Ferris, in the county of Somerset. And that the said Robert King, on the said 8th day of October, in the 24th year, &c. aforesaid, in the court-leet of the hundred of Norton Ferris, then held at Wincanton aforesaid, in the county aforesaid, for the hundred aforesaid, within the hundred, in the county aforesaid, lawfully and in the due manner was elected into the office of constable for the hundred aforesaid, in the county aforesaid, for one year then next following, to do and execute all and singular the things which belong to the said office of constable; and that the said Robert King, afterwards to wit, on the 9th day of December, in the 24th year, &c. aforesaid, at the borough of Wincanton aforesaid, in the said county of Somerset had notice thereof, and then and there was required to appear before the steward of the court-leet of the hundred of Norton Ferris, at Wincanton aforesaid, in the said county, on the said 9th day of December, in the 24th year, &c. aforesaid, to take his oath for the due execution of his office of constable aforesaid, according to the duty of his office, nevertheless he the said Robert King not regarding his duty in this behalf, but devising and intending totally to neglect and omit the due execution of the office of constable aforesaid, after his due election aforesaid to the office aforesaid, to wit, on the said 9th day of December, in the 24th year, &c. aforesaid, and continually afterwards until the day of the exhibition of this information, although often requested at Wincanton aforesaid, within the hundred of Norton Ferris aforesaid, in the county of Somerset, to take his said oath for the due execution of the office of constable aforesaid, and to execute the said office, his oath aforesaid to take, and his office aforesaid to execute, wilfully, obstinately and contemptuously, entirely hath refused and denied, and as yet doth refuse and deny, against the duty of his
said

Indictments for Misdemeanors.

said office, in manifest contempt of the said lord the now king, and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. where-upon the said coroner, &c. *P. 218.

And now to wit, on the Thursday next after the octave of St. Hilary, in this same term, before the lord the king at West-minster, comes the said Robert King, by William Mathews his attorney, and having heard the said information, saith, that he doth not apprehend that the said lord the now king will im-peach or trouble him the said Robert, because of the premis-ses in the information aforesaid specified, because protesting that the information aforesaid, and the matter in the same contained, are not good and sufficient in law, to which he hath no necessity neither is he bound by the law of the land to an-swer, for plea the said Robert saith, that the borough of Win-canton aforesaid, is an antient borough, situate and lying with-in the hundred of Norton Ferris aforesaid, within which bor-ough there is and from the whole time whereof the memory of man is not to the contrary, there hath been a court-leet and view of frankpledge held for the borough aforesaid, at that bor-ough, before the steward of the lord of the said borough for the time being, twice in the year, to wit, once within one month after the feast of Easter, and again within one month after the feast of St. Michael the Archangel, of all the inhabitants and residents within the said borough, at which court for the said borough, all the inhabitants and residents within the said borough, for the whole time aforesaid, have appeared and done their suit, and have been used and accustomed to appear and do their suit, and not at the said leet of the said hundred, and that from the whole time aforesaid, two men annually, of the inhabitants and residents within the said borough, at the said court-leet and view of frankpledge of the said borough, have been elected and appointed, and have been accustomed to be elected and appointed, and as yet are and of right ought to be elected and appointed for executing the office of constable within the said borough; and that by reason thereof the inhabitants and residents within the said borough, for the said whole time, whereof the memory of man is not to the contra-ry, always have been exempted, acquitted and discharged from appearing and doing their suit at the court-leet of the said hundred, and from all election and execution of the office of constable of the said hundred. And the said Robert further saith, that he on the said 5th day of October, in the 24th year, &c. aforesaid, was and as yet is a resident and inhabitant within the said borough of Wincanton, and always did appear and do his suit at the said court-leet of that borough, and not at the court-leet of the said hundred.

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so being a resident and inhabitant within the said borough, on the said 8th day of October, in the 24th year aforesaid, was elected in fact into the office of constable for the said hundred, in the said court-leet of the said hundred, but the said Robert after the said election to take oath for the due execution of the office of constable for the said hundred, for the cause aforesaid did refuse and deny, as it was lawful for him to do, and this the said Robert is ready to verify, wherefore he prays judgment, &c. &c.

The attorney-general demurs.

This case is reported 3 Keble 197, 230, 251, no Judgment: but the court seemed inclined to give judgment for the king.

* P.219.

* The King against Caslin.

Michaelmas, 29th Charles II.

Indictment
for the like
offence.

Somerset, } **H**ERETOFORE to wit, on Tuesday to wit, the
To wit, } 9th day of January, in the 28th year of the
reign of our lord Charles the 2d, by the grace of God of Eng-
land, &c. king, &c. at a general session of the peace of the
lord the king, held for his county of Somerset, at the city of
Wells, in the said county, before Robert Hunt, esquire, the
reverend father in Christ, Peter Bishop of Bath and Wells, and
others their fellows justices of the said lord the king, assigned
to preserve the peace in the said county, and also to hear and
determine divers felonies, trespasses, and other misdeeds in the
said county perpetrated, by the oath of 12 jurors, good and
lawful men of the said county, impanelled, sworn and charged
to enquire for the said lord the king, and for the body of the
said county, it was presented, that at the court of the view of
frank-pledge of George Speke, esquire, held for the hundred
of Abdick, in the said county of Somerset, on Thursday to
wit, the 12th day of October, within one month of St. Mich-
ael, in the 28th year, &c. aforesaid, at Ilton in the said county,
within the jurisdiction of the said court, before John Chase,
gentleman, then and as yet steward of the said court, one John
Caslin of Horton, within the parish of Ilminster, in the said
county, yeoman, being a fit and proper person, then and there
abiding and inhabiting within the said hundred, in the due
manner was nominated, appointed and elected to be constable
of the said hundred, for one whole year following, of which
election the said J. C. afterwards to wit, on the 15th day of
October, in the year aforesaid, had notice; nevertheless the said

J. C.

Indictments for Misdemeanors.

J. C. not ignorant of the premisses, afterwards to wit, on the said 15th day of October, in the year aforesaid and always afterwards unto the taking of this inquisition at H. aforesaid, in the parish of I. aforesaid, in the county aforesaid, obstinately, contemptuously and unlawfully did refuse and deny to take upon himself the said office of constable of the hundred of A. aforesaid, upon the election and notice aforesaid, and then and there hath omitted and neglected to take the oath of constable of the said hundred, to the great obstruction of the execution of justice, the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. Which indictment the lord the king hath caused to come before him for certain causes to be determined, &c. Indictment removed by Certiorari. Whereupon the sheriff of the county aforesaid is commanded that he do not omit, &c. but that he cause him to come to answer, &c. And now to wit, on the Tuesday next after three weeks from the day of St. Michael, in this same term, before the lord the king at Westminster, comes the said J. C. by W. E. his attorney, and having heard the indictment aforesaid, saith, that he doth not apprehend that he ought to be impeached or troubled because of the premisses in the indictment aforesaid specified, because protesting that the said indictment and the matter in the same contained are not sufficient in law, to which he hath no manner of answer, and is bound by the law of the land to answer, &c. Protestation P. 220. The J. C. saith, that the said parish of Ilmister is a parish situate, lying and being within the hundred of A. aforesaid, within which parish there is and is an inhabitant with- from the time whereof the memory of man is not to the contrary, there hath been a court-leet and view of frank-pledge, held for the said parish at the said parish, before the steward of that court in the parish of Ilmister, and for the time being twice in the year, to wit, once within one month of Easter, and again within one month of St. Michael chosen constable there. the Archangel, of all the inhabitants and residents within the said parish; at which court held for the said parish, all the inhabitants and residents within the said parish for the whole time aforesaid have appeared and have done their suit, and have been used and accustomed, and ought to appear and do their suit, and not at the said court of the view of frank-pledge of the hundred aforesaid, and that from the whole time aforesaid, two men of the inhabitants and residents with the said parish at the said court of view of frank-pledge, held for the said parish annually have been elected and chosen, and as yet are, and ought of right to be elected and chosen for executing the office of constable within the said parish, and that according to the custom used and approved of within the said hundred for the whole time aforesaid, to wit, at Ilmister aforesaid, the inhabitants and residents within the said parish, always have been used and accustomed, and ought to be acquitted and exonerated from

Indictments for Misdemeanors.

from all election and execution of the office of constable for the hundred aforesaid. And the said J. C. further saith, that he on the said 12th day of October, in the 28th year, &c. aforesaid, was and as yet is seized of one tenement within the parish aforesaid, and on the said 12th day of October, and long before was and yet is a resident and inhabitant within the parish of Ilmister aforesaid, &c. And on the said 12th day of October, in the 28th year, &c. aforesaid, and long before was, and yet is liable to be charged with and chosen into the office of constable for the said parish, in the said court of view of frankpledge for the said parish, and this the said J. C. is ready to verify, &c. Wherefore he prays judgment, &c. with this that the said J. C. will verify that within the hundred aforesaid, and without the said parish of Ilmister aforesaid, on the said 12th day of October, in the 28th year, &c. aforesaid, there were and yet are residing and inhabiting divers fit and proper persons to execute the office of constable of the said hundred who never executed the said office, to wit, Ambrose Hare of C. within the hundred aforesaid, and Thomas Yard of S. within the hundred aforesaid.

* P. 221.

* The King *against* Bettelworth.

Michaelmas, 30th Charles II.

Indictment
for refusing
to execute
the office of
high constable in a
hundred.

Surrey, **T**HAT at the general quarter sessions of the peace To wit. of the said lord the king, held in and for the county aforesaid, at Guilford in the said county, to wit, on the 11th day of July, in the 28th year, &c. before A. O. esq. A. B. bart. and others their fellows justices of the said lord the king, assigned to preserve the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdeeds, committed and perpetrated in the said county; one W. B. late of, &c. yeoman, then and long before being an inhabitant and resident within the parish aforesaid, in the hundred aforesaid, in the county aforesaid, and a fit and proper man to execute the office of high constable within the hundred aforesaid, in the due manner was elected to be one of the high constables of the hundred aforesaid, in the room of one J. B. whereof the said W. B. afterwards to wit, on the 20th day of July, in the 28th year, &c. aforesaid, and at divers other days and times afterwards at T. aforesaid, in the county aforesaid, had lawful notice, nevertheless the said W. B. not regarding his duty in this behalf, but devising and intending as much as in him lay, totally to obstruct and hinder the due execution

of

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of justice, from the said 20th day of July, in the 28th year
aforesaid, to the day of the taking of this inquisition, at the
parish aforesaid, in the county aforesaid, wilfully, obstinately
and contemptuously entirely hath refused to take upon himself
and to execute the said office of high constable aforesaid,
against his duty aforesaid, to the manifest contempt and ob-
struction of justice, to the evil example of all others in the
like case offending, and against the peace of the said lord the
now king, his crown and dignity, &c. Whereupon the sheriff ^{Venire}
of the said county was commanded by the said court first above ^{awarded.}
mentioned, that he do not omit, &c. but that he cause the said
W. B. to come, so that he be before the justices of the said lord
the king, assigned to preserve the peace in the said county, and
also to hear and determine divers felonies, &c. at the next ge-
neral quarter sessions of the peace of the said lord the king,
to be held for the said county. And afterwards to wit, at the
next general quarter session of the peace of the said lord the
king, held for the said county, at G. in the said county, on
Tuesday, in one week next after, &c. to wit. on the 10th day
of July, in the 29th year, &c. before R. H. esquire, A. G.
esquire, and others, their fellows justices of the said lord the
king, assigned to preserve the peace in the said county, and also
to hear and determine divers felonies, &c. comes the sheriff of
the said county, and returns his writ, to wit, that the said W. B.
had nothing in his bailiwick by which he could be attached,
whereupon the sheriff of the said county is commanded by the
court here that he do not omit, &c. but that he should take the ^{Capias}
said W. B. if, &c. and him safely should keep so that he should ^{awarded.}
have his body before the justices of the said lord the king,
assigned to preserve the peace of the said lord the king, within
the said county, and also to hear and determine divers felonies,
&c. at the next general quarter session of the peace of the said
lord the king, to be held for the * said county. Whereupon * P. 222.
afterwards to wit, at the general quarter session of the peace of
the said lord the king, held for the county aforesaid, at G.
in the said county, on the day, &c. to wit, on the 2d day of
October, in the 29th year, &c. before A. B. baronet, &c. and
others their fellows justices of the said lord the king, assigned
to preserve the peace in the said county, and also to hear and
determine divers felonies, &c. comes the said W. B. and hav-
ing heard the indictment aforesaid, saith, that he is not guilty ^{Not guilty.}
thereof, and of this puts himself upon the country, and E. S.
gentleman, clerk of the peace of the county aforesaid, who
for the said lord the king in this behalf prosecuteth, doth the
like, &c. Therefore the sheriff is commanded by the said court ^{Venire.}
that he do not omit, &c. but that he cause to come before the
justices of the said lord the king, assigned to preserve the peace
of the said lord the king in the said county, and also to hear
and determine divers felonies, &c. at the next general quarter
sessions

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sessions of the peace to be held for the said county, twelve good and lawful men of the neighbourhood of the parish of T. in the county aforesaid, by whom, &c. and who neither, &c. to recognize, &c. because as well, &c. The same day is given as well to the said E. S. who prosecutes as to the said W. B. &c. And afterwards to wit, at the general quarter session of the peace of the said lord the king held for the county aforesaid, at G. in the said county, on ———, &c. to wit, on the 15th day of January, in the 29th year, &c. aforesaid, before S. H. esquire, R. K. knight, and others their fellows justices of the said lord the king, assigned to preserve the peace in the said county, and also to hear and determine divers felonies, &c. come as well the said E. S. who for the lord the king in this behalf prosecutes, as the said W. B. in their proper persons, and the sheriff hath not thereupon sent the writ, therefore as before the sheriff of the county aforesaid, is commanded by the court here that he do not omit, &c. but that he cause to come before the justices of the said lord the king, assigned to preserve the peace of the said lord the king, in the said county, and also to hear and determine divers felonies, &c. at the next general quarter session of the peace of the said lord the king, to be held for the said county, twelve good and lawful men of the parish of T. aforesaid, in the county aforesaid, by whom, &c. and who neither, &c. to recognize, &c. because as well, &c. The same day is given as well to the said E. S. who prosecutes as to the said W. B. And afterwards to wit, at the next general quarter session of the peace of the said lord the king held for the county aforesaid, at R. in the said county, on the day to wit, on the 9th day, &c. of April, in the 30th year of the reign, &c. before E. T. knight, one of the barons of the Exchequer, of the said lord the king, A. B. baronet, and others their fellows justices of the said lord the king, assigned to preserve the peace of the said lord the king, the in county aforesaid, and also to hear and determine divers felonies, &c. come as well the said E. S. who prosecutes, &c. as the said W. B. in their proper persons; and the jurors of the said jury by the said sheriff for this purpose impanelled and returned, to wit, R. R. J. H. &c. being called, come, who being elected, tried and sworn to speak the truth of and concerning the premisses aforesaid, say upon their oath, *“that the manor of W. in the county of Surrey, is of the ancient demesne of the crown of England, and that the parish of T. in the indictment aforesaid mentioned, is within the said manor of W. and that the said manor of W. is within the hundred of G. and the jurors further say upon their oath, that the said W. B. at the said general quarter session of the peace of the said lord the king, held for the county of Surrey aforesaid, at G. in the said county of Surrey, on the day, &c. to wit, on the 11th day of July, in the 28th year, &c. Before A. O. esquire, A. B. baronet, and others their fellows justices*

Non misit
breve.

Special ver-
dict that
the defend-
*P. 223.
ant is a
freeholder
of the ma-
nor of W.
within the
hundred,
held in an-
cient de-
mesne, and

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Justices of the said lord the king, assigned to preserve the peace in whether the said county, &c. also to hear and determine divers felonies, &c. such in the due manner was elected to be one of the high constables of tenants are the hundred of G. aforesaid, as in the said indictment is above men- liable to the tioned. And the jurors aforesaid, upon their oath aforesaid, further office of say, that the said W. B. before and at the time of his election afore- high con- stable the said, into the office aforesaid, and continually afterwards during the jury doubt. time in the indictment aforesaid mentioned, was resident within the said parish of T. aforesaid, &c. tenant of the said manor of W. and that the said W. B. had legal notice of the said election, as by the said indictment is above mentioned. And that he the said W. B. at the time of his election aforesaid and continually afterwards during the time in the indictment aforesaid mentioned, was a fit and proper man to execute the office of high constable within the said hundred; and he the said W. B. did refuse to take upon himself and to execute the office of high constable of G. aforesaid, because that he was as aforesaid, tenant of the manor of W. aforesaid, being of the antient demesne of the crown of England, but whether the tenant of lands within the said manor of the antient demesne of the crown of England, be liable to be charged to execute the office of high constable of the hundred of G. aforesaid, or not the said jurors are wholly ignorant, and pray thereupon the advice and consideration of the court, and if it shall seem to the court that the tenant of lands within the said manor of the antient demesne of the crown of England, be liable to be charged to execute the office of high constable of the said hundred, then the said jurors say upon their oath aforesaid, that the said W. B. is guilty of the premises in the said indictment above specified, in the manner and form as by the said indictment above is supposed against him, and if upon the whole matter aforesaid, by the jurors aforesaid, in the form aforesaid, found it shall seem to the court here, that the tenant of lands within the said manor of the antient demesne of the crown of England, is not liable to be charged to execute the office of high constable of the said hundred, then the said jurors say upon their oath aforesaid, that the said W. B. is not guilty of the premises in the said indictment above specified, in the manner and form as by the said indictment above is supposed against him." And because the Curia advi- court will advise of and concerning the premises, before that sur- sum vult. ther, &c. day is given as well to the said E. S. who for the lord the king in this behalf prosecutes, as to the said W. B. in the same state in which now until the next general quarter sessions of the peace of the said lord the now king, to be held for the said county, &c. &c.

This record was removed into the King's Bench and after several arguments judgment was given for the king; it is reported 2 Shower 75 and in 1 Ventris 314.

Indicements for Misdemeanors.

#P. 224.

* The King against Spencer and others.

Session of
the peace in
London,
the 12th
Nov. 21.
Charles 2d.
Indicement
against two
common
barretors.

London, **T**HE jurors, &c. That Edward Spencer late of
To wit, **L**ondon, poulterer, and William Dalton, late of
London, yeoman, on the 10th day of August, in the 21st year
of the reign of our lord Charles the 2d, by the grace of God
of England, &c. king, &c. and at divers other days and times
as well before as after, at London to wit, in the parish of St.
Catherine, Creed-church, otherwise Christ-Church, in the ward
of Aldgate, London aforesaid, and at divers other places in the
said city, were and as yet are common barretors, and each and
every of them was and as yet is a common barretor, and daily
disturber of the peace of the said lord the now king, and also
a common brawler, quarreller, fighter, defamer, and sower of
sedition, strife and discord among his neighbours, and other
liege subjects of the said lord the king, so that they the said E.
S. and W. D. then and at the several days and times aforesaid,
at the parish and ward aforesaid, and at other places in the city
of London, did move and stir up, and each and every of them
did move and stir up, divers seditions, disputes, quarrels,
actions, suits, controversies and fightings, among divers liege
subjects of the said lord the king, to the great expence, grief,
disturbance, damage, cost, ruin and impoverishment of their
neighbours, and of other liege subjects of the said lord the
king, to the great disturbance of the peace of the said lord the
king, to the evil example of all others in the like case offend-
ing, and against the peace of the said lord the now king, his
crown and dignity, &c. &c.

The King against Ledlingham.

Information
against a
landlord,
for oppres-
sing his te-
nants with

To wit, **T**HAT whereas one Warwick Ledlingham, late
of the parish of Otterye St. Mary, in the
county of Devon, esquire, for the space of divers years now
last past, hath been and as yet is lord of the manor of Otterye St.
Mary,

Indictments for Misdemeanors.

Mary, and whereas also within the manor and parish of Otterye ^{causeless} ^{and unrea-} ^{sonable dis-} ^{tresses, and} ^{vexatious} ^{suits.} ^{P. 225;} afore-
said, there are very many subjects of the said lord the
now king, who hold their lands and tenements within the manor
afore-^{said,} of the lord of the said manor to them and to their
heirs for ever, as well in free socage as by copy of the court
roll of the said manor, according to the custom of the said ma-
nor, and also other subjects of the said lord the king, within
the said manor and parish of Otterye inhabiting, the said W. L.
being a person of evil, malicious and turbulent mind and dis-
position, and maliciously, wickedly and unjustly devising and
intending not only the tenants of the said manor, and the other
subjects of the said lord the king there inhabiting, greatly to
harrass, disquiet and oppress, but also the said tenants and the
said other subjects of the said lord the king, there inhabiting
in their possessions, maliciously to disturb and disquiet, and
from their tenements afore-^{said,} unlawfully to expel and amove,
and divers sums of money from the said tenants, and from the
said other * subjects of the said lord the king unlawfully and
unjustly to extort, on the 23d day of October, in the 19th
year of the reign of our lord Charles the 2d, &c. and at divers
other days and times as well before as after, at O. in the said
county of Devon, the said tenants and the other subjects of the
said lord the king there inhabiting, by excessive and unlawful
distresses, and driving away of their cattle, unlawfully and in-
juriously did harrass, disquiet, oppress and persecute, and did
procure to be harrassed, disquieted, oppressed and persecuted,
and divers sums of money from the said tenants, and the other
subjects of the said lord the king there inhabiting did exact and
extort, and divers other causeless actions and suits against the
said tenants, and divers other subjects of the said lord the
king, unlawfully, maliciously and injuriously did stir up, move
and procure. And also that the said W. L. then and there was
and yet is a common disturber of the peace of the said lord the
now king, and a common oppressor of the said tenants and of
his neighbours, and a sower and procurer of strife and discord
among his neighbours, to the great damage, loss, grievance and
disturbance of the tenants and subjects afore-^{said,} to the abuse
and great contempt of the laws of this kingdom of England;
to the evil and pernicious example of all others in the like case
offending, and against the peace of the said lord the now king;
his crown and dignity, whereupon the said, &c. &c.

The defendant was found guilty; and it was several times moved in arrest of judgment, whether an information lay or not, and at length the court adjudged that no information lay, but the remedy is by action on the statute of Marlbridge. It is reported in 1 Mod. 71, 238. 1 Ventris 97, 104. Raymond 193, 205. 1 Lev. 299. 2 Keble 687, 697.

Indictments for Misdemeanors.

The King against Doyley.

Trinity, 30th Charles II.

Information
for blasphemy.

To wit, **T**HAT Thomas Doyley, late of the parish of St. Peter, in the county of Middlesex, gentleman, not having the fear of God in his heart, but being moved and seduced by the instigation of the devil, and devising and intending to defame and vilify the true and christian religion; received and publicly professed in this kingdom of England, and to blaspheme God and our Lord Jesus Christ, the saviour of the world, and the Holy Ghost, on the 1st day of February, in the 27th year, &c. at the parish aforesaid, in the county aforesaid, having and holding in his hands a certain cup of wine, unlawfully, most wickedly and in a blasphemous manner, in the presence and hearing of divers liege subjects of the said lord the king, worthy of belief, did say, pronounce, and with a loud voice did publish these profane and blasphemous English words following to wit, "*Here's a health to Father, Son and Holy Ghost,*" (meaning Almighty God, Jesus Christ, the saviour of the world, and the Holy Ghost) and immediately thereupon, then and there did drink up the said * wine, out of the said cup, to the great dishonour of Almighty God, in great contempt and dishonour of the Holy Trinity, to the great scandal of the profession of the true christian religion, to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon, &c. &c.

*P. 226.

The King against Taylor.

Michaelmas, 27th Charles 2d.

Information
for the like.

To wit, **T**HAT John Taylor, late of the parish of St. Clement Danes, in the county of Middlesex, yeoman, not having the fear of God in his heart, but being moved and seduced by the instigation of the devil, and devising and intending to defame and vilify the true and christian religion, received and professed in this kingdom of England, and also to blaspheme God and our Lord Jesus Christ, the saviour of the

Indictments for Misdemeanors.

the world, on the 26th day of April, in the 27th year, &c. in the parish of the Holy Trinity, in the town of Guilford, in the county of Surrey, then being of found memory, these false, blasphemous and most wicked English words of and concerning the christian religion, and our Lord Jesus Christ, in the presence and hearing of divers liege subjects of the said lord the king worthy of belief, falsely, maliciously, advisedly, wickedly, and in a blasphemous manner, did say, pronounce, and with a loud voice did publish to wit, "*Christ* (meaning our Lord Jesus Christ, the only begotten son of Almighty God) *is a whore-masfer, and religion* (meaning the christian religion) *is a cheat, and profession* (meaning the profession of the christian religion) *is a clsak, and they* (meaning the said christian religion, and the profession of the said religion) *are both cheats, and all the earth is mine,* (meaning his the said J. T.) *and I am a king's son, my father sent me* (meaning him the said J. T.) *hither, and made me* (again meaning the said J. T.) *a fisherman to take wipers, and I* (meaning himself the said J. T.) *neither fear God, devil, nor man, and I* (meaning himself the said J. T.) *am a younger brother to Christ,* (meaning our Lord Jesus Christ) *an angel of God* (meaning an angel of the Almighty God) *and no man fears God but an hypocrite, Christ* (meaning our Lord Jesus Christ) *is a bastard, God damn and confound all your gods, Christ* (meaning our Lord Jesus Christ) *is the whore's* (meaning the blessed virgin Mary, mother of our Lord Jesus Christ) *masfer,"* to the great dishonour of Almighty God, to the great contempt and dishonour of our Lord Jesus Christ, to the great scandal of the profession of the true christian religion, to the destruction of christian government and society, in manifest contempt of the Holy Trinity, and in blasphemy of the Godhead of our Lord Jesus Christ, to the evil and pernicious example of all others in the like case offending, and against the peace, &c. whereupon the said attorney, &c. &c.

* And now to wit, on the Monday next after fifteen days of *P. 227.
 St. Martin, in this same term, before the lord the king, at Westminster, comes the said J. T. in his proper person, under the custody of Joseph Sheldon, mayor of the city of London, and of the community of the citizens of the said city, and of the governors of the possessions, rents and hospital of St. Mary of Bethlem, situate without Bishopsgate, London, into whose custody before that time for the said cause he was committed and detained, by virtue of a writ of habeas corpus ad subjiciendum to them directed, in his proper person, and is committed to the marshal, &c. and having heard the information aforesaid, saith, that he is not guilty thereof, and of this puts himself upon the country, &c. and William Jones, kn^t. &c. doth the like, &c. therefore let a jury come thereupon, &c. at which Monday next after the morrow of the purification of Habeas corpus to Bethlem, to remove defendant.
Plea not guilty.
 the

Indictments for Misdemeanors.

Verdict,
Guilty.

Judgment.

the blessed virgin Mary, before the lord the king at Westminster, come as well the said W. Jones, who prosecutes, &c. as the said J. T. in his proper person under the custody of the marshal of the marshalsea of the lord the king to whose custody for the cause aforesaid he was committed as aforesaid; and the jurors of the said jury for this purpose chosen come likewise, who being elected, tried and sworn to speak the truth concerning the said premisses, say upon their oath, that the said J. T. is guilty of the premisses in the information aforesaid above specified, whereupon all and singular the premisses being seen and by the court here understood, it is considered, that the said J. T. do pay to the lord the king, 1000*l.* for his fine, for the blasphemy in the information aforesaid contained, whereof he is convicted, and that he find security for his good behaviour during his life, and that he shall stand in the pillory in the court yard of the palace of Westminster, for the space of one hour, with a paper affixed upon his head, with these words in writing in large letters, to wit, "*For blasphemous words, tending to the subversion of all government.*" And that the said J. T. shall stand in the pillory, in the market town of Guildford, in the county of Surrey, in the open market place, at the time of market, for the space of one hour, with the like paper affixed upon his head, with the said words in writing, in large letters; and that the defendant present here in court, is committed to the marshal of this court, safely to be kept until that, &c.

This case is reported 3 Keble 607, 621.

The King against J. C. and others.

Information
for coining
halfpence,
and uttering
them in
payment.

To wit, **T**HAT J. C. of the parish of S. in the county of H. labourer, R. M. of, &c. inn-keeper, and W. C. of the same victualler, assuming each and every of them assuming upon himself the royal prerogative and authority, and devising and intending the said lord the king and all his people falsely, unlawfully and deceitfully to deceive and defraud between the day, &c. and the day of the exhibition of this information at the parish, &c. in the county, &c. Three hundred pieces of brass and copper, with certain letters and other marks and signs, to the said attorney general of the said lord the now king as yet unknown, unlawfully, unjustly and deceitfully and for the sake of wicked gain, without any law-ful * warrant or authority, did forge, coin and cause to be stamped, and each and every of them did forge, coin and cause

*P. 228.

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to be stamped, and did cause to be forged, coined and stamped, with intention to utter and expose the said three hundred pieces of brass and copper, and every piece thereof, in exchange, payment and traffick, to the said subjects of the said lord the king, for and in the name and as the half part of one penny, of the lawful money of England, commonly called an halfpenny. And the said J. C. R. M. and W. C. afterwards to wit, within the said time, at the parish aforesaid, in the county aforesaid, the said three hundred pieces of brass and copper, and every piece thereof, by them the said J. C. R. M. and W. C. so as aforesaid unlawfully, unjustly, deceitfully and for the sake of wicked gain, made, forged, coined and stamped, and caused to be forged and stamped, for and in the name and as the half part of one penny, of the lawful money of England, commonly called an halfpenny, to divers other persons to the said attorney general of the said lord the king as yet unknown, unlawfully, unjustly, and for the sake of wicked gain, did utter and expose, and each and every of them did utter and expose, whereas in truth they the said J. C. R. M. and W. C. then and there well knew, and each and every of them well knew that the said three hundred pieces of brass and copper were only of the value of two shillings and not more, to the great deceit, injury and fraud, as well of the said lord the king as of all the liege subjects of the said lord the king, in contempt of the said lord the now king and of his laws, to the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. whereupon the said attorney, &c.

The King against Tyack.

To wit, **T**HAT the borough of Saltash, in the county of Cornwall, is and from the time whereof, the memory of man is not to the contrary, hath been an antient borough and the free burghesses of the said borough from the time whereof, the memory of man is not to the contrary, even to and upon the 29th day of June, in the 27th year of the reign of the lady Elizabeth, late queen of England, &c. have been incorporated by the name of the free burghesses of the borough of Effa, otherwise Saltash, on which day the said lady Elizabeth, by her letters patent under her great seal, bearing date at Westminster, on the same day and year incorporated the free burghesses of the borough of Effa, otherwise Saltash, by the name of the mayor and free burghesses of the borough of Saltash, and so being incorporated, they the said mayor and

Information
against a
member of
a corporation,
on, for putting
the
seal of the
corporation
to a deed,
whereby the
corporation
surrendered
to the king
their franchises,
&c. and this
without the
free consent of

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the corporation; for publishing the same, as the deed of the whole corporation, and causing the same to be enrolled in Chancery.

*P. 229.

free burgesſes of the borough of Saltaſh aforeſaid, on the 5th day of Auguſt, in the 34th year of the reign of the ſaid lord the now king, were ſeiſed of divers lands, tenements, rents, cuſtoms, markets, tolls and hereditaments, as well in the borough of Saltaſh aforeſaid, as elſewhere, within this kingdom of England, of great yearly value in their demefne as of fee, and then and always before, from the time that they as aforeſaid were incorporated by the name of the mayor and free burgesſes of the borough of Saltaſh, and the ſaid free burgesſes of the borough of Eſſa, otherwiſe Saltaſh aforeſaid, from the whole time whereof the memory of man is not to the contrary, until the ſaid time of incorporation by the name of the * mayor and free burgesſes of the borough of Saltaſh, had, held and enjoyed, and have been uſed and accuſtomed and of right ought to have, hold and enjoy to themſelves, and to their ſucceſſors, many and divers liberties, privileges, franchises, immunities, jurisdictions and emoluments, and were lawfully poſſeſſed of goods and chattels and writings obligatory of great value for the payment of money, as of their proper goods and chattels and writings obligatory. And the ſaid coroner and attorney of the ſaid lord the king, for the ſaid lord the king, gives the court here further to underſtand and to be informed, that one Nicholas Tyack, of the borough of Saltaſh aforeſaid, gentleman, before the ſaid 5th day of Auguſt, in the 34th year of the reign of the ſaid lord the now king, was one of the free burgesſes of the borough of Saltaſh aforeſaid, and at the time of his admiſſion to be one of the free burgesſes of the ſaid borough, the ſaid Nicholas there, according to the cuſtom of the ſaid borough, upon the holy goſpel of God, took his oath, that he would maintain the laws, cuſtoms and franchises of the ſaid borough; nevertheleſs the ſaid N. T. well knowing all and ſingular the premiſſes, wickedly and maliciously deviſing and intending to deſtroy the good eſtate and condition of the burgesſes of the ſaid borough, and to move and ſow ſtriſe and diſcord between the ſaid free burgesſes, and them entirely to deprive of their ſaid liberties, franchises, jurisdictions, immunities, emoluments, goods and chattels, debts, lands, tenements and hereditaments, and alſo entirely to diſſolve the ſaid body corporate and politic, on the 5th day of Auguſt, in the 34th year of the reign of the ſaid lord the now king aforeſaid, under colour of his office of mayor of the ſaid borough, but againſt the duty of the office of mayor of the ſaid borough, and againſt the form and effect of his oath aforeſaid, at the borough of Saltaſh aforeſaid, a certain cheſt then ſealed and in which the common ſeal of the mayor and free burgesſes of the ſaid borough of Saltaſh, then was contained, and which cheſt, according to the cuſtom of the ſaid borough, ought not nor was accuſtomed to be opened without the conſent of the free burgesſes of the ſaid borough,

with

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with force and arms, &c. did break and open, and the said common seal did take thereout, and then and there that seal, which without the assent of the free burgesses of the said borough, to any writing ought not nor was accustomed to be put, as the common seal of the mayor and free burgesses of the said borough, of his own proper mind, false imagination, conspiracy and covin, without the assent and against the will of the free burgesses of the said borough, to a certain writing or instrument (purporting to be a grant to the said lord the now king and to his heirs and successors, by the mayor and free burgesses of the borough of Saltash aforesaid, of all and singular their manors, messuages, lands, rents, tenements and hereditaments, with their appurtenances and of all and every their chattels as well real as personal, and a grant and surrender to the said lord the now king by the said mayor and free burgesses of all their franchises, charters, letters patent of incorporation, powers, privileges, liberties and immunities whatsoever) falsely and deceitfully did put, although the mayor and certain free burgesses of the said borough of Saltash, to the number of fifty persons and more, being by much the greater part of the free burgesses of the said borough, never did consent nor were willing to consent, nor had granted that any surrender of any charter, liberty, franchise or privilege of the said body corporate should be made either by the said N. or by any member of the * said body corporate or by any other person or persons whatsoever; which writing or instrument by him the said N. so as aforesaid, falsely and deceitfully with the said common seal sealed, he the said N. afterwards to wit, on the said 5th day of August, in the 34th year, &c. aforesaid, falsely and maliciously, did utter and publish, as the deed of the mayor and free burgesses of the borough of Saltash aforesaid, to wit, at S. aforesaid, and the said deed in the court of Chancery of the said lord the king, at Westminster in the county of Middlesex, on the twentieth day of February, in the 35th year of the reign of the said lord the now king, falsely and deceitfully did procure and cause to be acknowledged to be the deed of the said mayor and free burgesses, by presence of which that writing afterwards to wit, on the 23d day of February, in the 35th year last aforesaid, in the said court of Chancery, as the deed of the mayor and free burgesses of the borough of Saltash aforesaid, was enrolled of record, as by the enrollment thereof in the said court of Chancery of the said lord the king, at Westminster aforesaid, in the county of Middlesex, remaining of record more fully appears, and so the said N. the said writing or instrument as if it had been the deed of the mayor and free burgesses of the borough of Saltash aforesaid sealed with their common seal, (whereas in truth and in fact the said N. on the said 5th day of August, in the 34th year aforesaid, was not mayor of the borough of Saltash aforesaid, and whereas in truth and in fact, that writing was not the

*P. 230.

Averments.

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deed of the mayor and free burgesſes of the borough of Saltaſh aforeſaid) falſely, ſubtily and fraudulently, againſt his oath aforeſaid, did ſeal, publiſh and procure to be enrolled in the manner and form aforeſaid, without the aſſent or conſent, and againſt the will of the mayor and free burgesſes of the borough of S. aforeſaid, to the deception, deceit and contempt of the ſaid lord the now king, and of his laws, to the great damage of the mayor and free burgesſes of the borough of S. aforeſaid, to the great diſturbance of the tranquillity of the ſaid borough, to the evil and pernicious example of all others in the like caſe offending, and againſt the peace of the ſaid lord the now king, his crown and dignity, &c.

The King *againſt* Atkins, *and others.*

Hilary, 33d and 34th of Charles the 2d. Roll. 90

Indictment *City of Briſtol,* { **B**E it remembered that at the general quar-
againſt a to wit. ter ſeſſion of the peace of the lord the
recorder king, held in and for the county of the city of Briſtol afore-
and ſeveral ſaid, in the Guild-Hall of the ſaid city on Tueſday to wit the
aldermen of ſaid, in the Guild-Hall of the ſaid city on Tueſday to wit the
Briſtol, for 4th day of October, in the 33d year of the reign of our lord
meeting and Charles the ſecond by the grace of God of England, &c.
choſing an king, &c. before T. Earl, mayor of the city of Briſtol afore-
alderman of ſaid, R. Cam, knight and baronet, and others their fellows al-
the city, in dermen of the ſaid city, juſtices of the ſaid lord the king, af-
the room of ſigned to preſerve the peace within the county of the city a-
one deceaſ- foreſaid, and alſo to hear and determine divers felonies, tref-
ed, and ſes and other miſdeeds, in the ſaid county perpetrated, &c.
this with- by the oath of I. M. F. B. and fifteen others good and lawful
out any men of the county of the city aforeſaid, then and there ſworn
ſummons of and charged to enquire for the ſaid lord the king and for the
the mayor body of the county of the city aforeſaid, it is * preſented that
of Briſtol. the bill annexed to this ſchedule is true; the answer of Tho-
*P. 231. mas Earl, knight, mayor of the city of Briſtol, R. Cam, knight
and baronet, and others their fellows aldermen of the ſaid
city, keepers of the peace and juſtices, &c. City of Briſtol
to wit, the jurors for our lord the king upon their oath ſay
and preſent, that the lord Henry the 7th, of his name, here-
toſore king of England, on the 17th day of September, in
the 15th year of his reign, by his letters patent, under his
great ſeal of England, bearing date at Knoll, the ſaid day and
year,

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year, granted to the then mayor and citizens of the town of Bristol (the said city of Bristol then being a town) and to their successors, among other things, that if any of the said community should be procurers, abettors or maintainers, to make debate and discord upon the election of mayor or his other officer whatsoever, of his said town of Bristol the suburbs and precincts of the same, immediately by the mayor and two aldermen of the said town for the time being, by the mayor of the said town for the time being, to be nominated and assigned, they should be punished in the due manner according to the quantity and quality of their crime, according to the law and custom of his kingdom of England as by the exemplification of the said letters patent of the lord the king, under his great seal, to the jurors aforesaid now shewn in evidence more fully appears. And that according to the privileges by the lady Elizabeth, late queen of England, by her letters patent under her great seal of England, dated at Westminster, on the 28th day of June, in the 23d year of her reign, after the time in which the said late town of Bristol, was lawfully created and erected into a city, to the mayor and community of the said city and their successors granted, as by the exemplification of the letters patent last mentioned under the great seal of the said lady the queen, now in like manner shewn in evidence to the said jury more fully appears; there have been or ought to have been from the time of the making of the said letters patent of the said lady Elizabeth, and there are or ought to be twelve aldermen of the said city, of whom the recorder of the said city for the time being, hath been and ought to have been and now is one. And according to the said privileges so as aforesaid granted, for the whole time aforesaid, after the death of any such alderman the mayor and remaining surviving aldermen of the said city for the time being, and the major part of them assembled at the summons of the said mayor, have elected and have been accustomed to elect one other person of the prudent citizens of the said city, into an alderman of the said city in the place of the alderman so dying as aforesaid. And by the said privileges so granted, the said mayor and aldermen of the said city for the time being, being thereto lawfully elected, and sworn to execute their several offices, for the whole time aforesaid, have been and are and ought to be keepers and justices of the said lord the king of England for the time being, assigned to preserve the peace in the city of Bristol aforesaid, and also to hear and determine divers felonies, trespasses and other misdeeds there perpetrated as long as they respectively remained in their offices aforesaid, and that continually after the time of the making of the said letters patent of the said lady Elizabeth, the recorder and the other aldermen of the said city for the time being, have been and ought to be of the privy council of the mayor of the said city for

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* P. 232, the * time being in particular cases concerning the good state and government of the said city, whensoever such mayor would summon them, and such privy council for the whole time aforesaid, hath not been accustomed nor ought not to be summoned, nor ought to transact any business pertaining to that council, unless by the summons and in the presence of such mayor. And that after the death of one John Lloyd, knight, deceased, being at the time of his death, one of the aldermen of the said city, one Robert Atkins, late of the said city, knight of the bath, then and as yet recorder of the said city, John Knight, late of the said city, knight, John Lawford, late of the said city, esquire, and Joseph Crewick, late of the said city, esquire, all then being aldermen of the said city, and who all then were free burgessees of the said city, to maintain factions in the said city, and to make debate and discord upon the election of an alderman of the said city, and officer of the king, there in the place of the said alderman, so as aforesaid deceased, on the 8th day of March, in the 33d year of the reign of the said lord the now king, unduly, unjustly, wickedly and without the example of former times, at Bristol aforesaid, to wit, at the parish and ward of St. Adonai, within the city aforesaid, in the county of the said city, among themselves altogether, and mutually did conspire to hold a privy council of the aldermen of the said city, and in the said council to elect and create one of the citizens of the said city, into an alderman of the said city, in the place of the said I. L. alderman, deceased, without the summons and in the absence and against the will of Richard Hart, knight, then being mayor of the said city, and to fulfil and perfect their unjust and wicked conspiracy aforesaid, they the said R. A. I. K. I. L. and I. C. afterwards to wit, on the said day and year last mentioned, into the common house and place of audience of the mayor and community of the said city, commonly called the Tolfey, and into the council chamber of the mayor and community of the said city, commonly called the council house, parcel of the house aforesaid, situate in the parish and ward aforesaid, with force and arms, &c. did enter, and then and there riotously and routously did assemble themselves to execute their said evil purposes, and afterwards to wit, on the said day and year and place last aforesaid mentioned, they the said R. A. I. K. I. L. and I. C. together with other aldermen of the said city, not knowing the said purposes of the said conspirators, in fact did hold a privy council of the aldermen of the said city, and then and there in fact and as much as in them lay, did elect and create one T. Day, then being a citizen of the said city, into an alderman of the said city, into the place of the said John Lloyd, then as aforesaid deceased, without any summons, by the said R. Hart, then mayor of the said city, made to them to assemble, and in the
absence

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absence and against the will of the said mayor; and the said conspirators then and there in the absence and against the will of the said mayor, the said election in the common book in which the acts of the mayor and aldermen of the said city, done in the said privy council are commonly written, did cause to be written and entered, as an order of the privy council aforesaid, whereby great discord among the community of the said city, and the * mayor and aldermen of the said city then *P.233. being and the other officers of the said lord the now king in the city aforesaid, hath arisen to the great disgrace and dishonour of the good government of the said city, against the form of the letters patent above before recited, against the tenor of the several oaths by the said conspirators respectively taken, as burgesses, aldermen and recorder of the said city, and against the peace of the said lord the now king, his crown and dignity, &c.

This indictment was against Sir Robert Atkyns, afterwards lord chief baron of the Exchequer: all the defendants were upon the trial, found guilty, and Sir Robert himself, with great learning and ingenuity, moved in arrest of judgment, and upon his argument, judgment was arrested. It is at large reported in 3 Mod. 3. and 2 Show. 236.

The King against Deeds.

Easter, the 1st of James the 2d. Roll 121.

Kent, } **T**HAT whereas on the 15th day of February, Information
 To wit, } in the 1st year of the reign of our lord James against a
 the 2d, now king of England, &c. in night of the said day at coroner,
 Stade, in the county of Kent, within the liberty and precincts for return-
 of the town and port of Hythe there, certain malefactors, to ing an in-
 the said attorney-general of the said lord the now king as yet quisition of
 unknown, had prepared and there had great quantity of English murder,
 wool, to be transported into parts beyond the seas, and then against se-
 and there upon the sea-shore had prepared and attempted to veral into
 put the said wool into certain boats, there lying, to be trans- of King's-
 ported into the said parts beyond the seas, against the laws and Bench;
 statutes in such case made and provided. And whereas also whereof
 one John Walker, then and there being an officer, lawfully they were
 authorized to prevent the said transportation, and James Marsh acquitted
 and John Le candle, in his aid then and there as much as in on trial
 them fact, the there,

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said inquisition was not found by any jury. them lay, endeavoured to prevent the transportation aforesaid, and thereupon one Robert Desborow, and many other persons to the number of twenty, to the said attorney-general as yet unknown, assembled themselves, and then and there with blunderbuffes, swords and knives, riotously and in a warlike manner, in and upon the said J. W. J. M. and J. L. so as aforesaid, endeavouring to prevent the transportation of the said wool, did make an assault, and him the said James, then and there did strike and wound, and thereupon it so happened that the said R. Desborow, in fighting and endeavouring with the other persons unknown, on his side to transport the said wool, and the said James Marsh, in opposing the said transportation, he the said R. D. then and there by the said J. M. was slain. And whereas also Julius Deeds, esquire, then was mayor of the town and port of Hythe aforesaid, and coroner of the said lord the king, within the said town and port, and the liberties and precincts of the same, and also justice of the peace of the said lord the king within the said town and port, and the liberties and precincts of the same, he the said J. D. being a person of evil name, fame and dishonest conversation, and a great maintainer and assister of persons to transport English wool into parts beyond the seas, against the laws and statutes aforesaid, and not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and devising, and falsely, unlawfully and unjustly, wickedly and corruptly intending to deter men from preventing the transportation of wool, and to deprive the said J. M. of the testimony and evidence of the said J. W. and J. L. of and concerning the death of the said R. D. to be had on behalf of the said J. M. and in like manner to cause him the said J. M. to lose his life by the process of law, and to cause them the said J. W. and J. L. to be imprisoned and tried for the murder and death of the said R. D. he the said J. D. the sooner to fulfil, perfect and bring to effect his most wicked devices, practices and intentions aforesaid, on the 27th day of February, in the 1st year of the reign of our lord James the 2d, by the grace of God, of England, &c. king, &c. with force and arms, &c. at the town and port of H. aforesaid, in the county of K. aforesaid, did cause them the said J. W. J. M. and J. L. to be arrested and to be detained in prison in safe and close custody, for the felony and murder of the said R. D. before that time by them supposed to be committed and perpetrated, and then and there a certain writing indented, purporting to be an inquisition taken at the town and port of Hythe aforesaid, in the said county of Kent, on Friday to wit, the 27th day of February, in the 1st year of the reign of our said lord James the 2d, &c. before him the said J. D. esquire, mayor of the town and port of H. aforesaid, and coroner of the said lord the king, with the said town and port of H. and the liberties and precincts of the same, upon the

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the view of the body of the said R. D. of H. aforesaid, woolcomber, then and there lying dead, by the oath J. L. E. T. and ten other good and lawful men of the town and port of H. aforesaid, sworn and charged to enquire how and by what means the said R. D. came to his death, of his own proper head and imagination, knowingly, subtly, falsely and fraudulently, and against the duty of his office, did make and cause to be made; the tenor of which follows, to wit, *Hythe*, to wit, *Inquisition.* An inquisition indented, taken at the town and port of Hythe, in the county of Kent, on Friday to wit, the 27th day of February, in the 1st year of the reign of our lord James the 2d, king, &c. and in the year of our Lord 1684, before J. D. esquire, mayor of the town and port of H. aforesaid, and coroner of the said lord the king, within the said town and port, and the liberties and precincts of the same, according to the usage and custom of town and port aforesaid, from the time whereof, &c. on the view of the body of R. D. of the said town of H. woolcomber, then and there being lying dead, upon the oath of J. T. E. L. and ten others, good and lawful men of the town and port of H. aforesaid, sworn to enquire how and by what means the said R. D. came to his death, who say upon their oath aforesaid, that James Marsh, of the town and port of Dover, in the county aforesaid, gentleman, John Walker, of D. aforesaid, gentleman, and John Lecandie, of D. aforesaid, innholder, with divers other persons to the jurors aforesaid unknown, not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 25th day of this present month of February, about the eleventh hour, in the night of the same day, nigh to a certain place called Old Stake, within the * liberties of the * P. 235. town and port of H. aforesaid, with force and arms, to wit, with swords, bayonets, guns and pistols, in and upon the said R. D. in the peace of God, and of our said lord the king then and there being, did make an assault and affray, and that the said James, a certain pistol of the value of five shillings, charged with gun-powder, and one leaden bullet, which he the said James Marsh in his right hand then and there had and held, in and upon him the said R. D. then and there feloniously, wilfully, and of his malice aforethought, did discharge, and him the said R. D. then and there, with the leaden bullet aforesaid, so shot forth by him the said J. M. out of the pistol aforesaid, did strike, giving to the said R. D. then and there, with the leaden bullet aforesaid, so as aforesaid shot forth, one mortal wound in his belly, and through his bowels and liver penetrating of the breadth of one inch and an half, and of the depth of ten inches, of which mortal wound, he the said R. D. did languish, from the 25th day of February, in the 1st year aforesaid, until this present 27th day of February, on which said 27th day of February, about the second hour of the morning of

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of the said day, he the said R. D. of the mortal wound aforesaid, at H. aforesaid, in the county aforesaid died, and that the said J. W. J. L. and divers other persons unknown, on the said 25th day of February, about the eleventh hour of the night of the said day, nigh to the place called the Old Stake, within the liberty of the town and port of H. aforesaid, feloniously, and of their malice aforethought, were present with swords, bayonets, guns and pistols, then and there abetting, procuring, comforting and maintaining the said James Marth, feloniously to commit and perpetrate the felony and murder aforesaid, in the manner and form aforesaid, against the peace of the said lord the now king his crown and dignity, &c. And so the jurors aforesaid, upon their oath aforesaid, say that the said J. M. J. W. J. L. and the said several persons unknown, him the said R. D. in the manner and form aforesaid, feloniously, wilfully, and of their malice aforethought, did kill and murder against the peace of the said lord the king, his crown and dignity; and moreover the jurors aforesaid, say upon their oath aforesaid, that the said J. M. J. W. J. L. and the said several persons unknown, had not or any of them had, at the time of the felony and murder aforesaid, committed and perpetrated, any goods or chattels, lands or tenements, to their knowledge within the liberty of the town and port of H. aforesaid, and that the said several persons unknown, immediately after the felony and murder aforesaid, was committed and perpetrated fled, against the peace of the said lord the now king his crown and dignity. In witness whereof, as well the said mayor and coroner hath set to this inquisition, his hand and the seal of his office of mayor of the town and port of H. as the said jurors have set their hands and seals, dated the day and year aforesaid, J. D. mayor and coroner, J. L. E. T. and ten others; and afterwards to wit, on the 6th day of May, in the 1st year aforesaid, the said writing indented, purporting to be an inquisition [written in the Latin tongue, in the manner and form aforesaid] as the true inquisition of the jury aforesaid, upon their oath aforesaid, before the said J. D. upon view of the body, in the due and lawful manner found and taken, in further prosecution of his malicious and wicked devices and intentions aforesaid, he the said J. D. * falsely, and against the duty of his office, wickedly and fraudulently to the subversion of the law and justice of this kingdom of England, into the court here before the king himself, to wit, at Westminster, in the county of Middlesex, did deliver of record, to be proceeded upon in the due form of law, and thereupon it was in such manner proceeded, that afterwards to wit, in this present term, as well the said J. M. as the said J. W. and J. L. upon the writing indented aforesaid, as a true inquisition taken in the due manner, at the bar of the said court here, in the due manner were tried, and of the said murder were acquitted,

*P. 236.

Talliter
Processum.

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quitted, as by the record thereof in the court here remaining, affiled of record more fully appeareth. Whereas in truth and Averments. in fact the jurors aforesaid, in the writing indented aforesaid mentioned, or any other jurors never did find upon their oath the said inquisition, or that they the said J. W. and J. L. or either of them, were present abetting, procuring, comforting and maintaining the said J. M. to commit and perpetrate the felony and murder aforesaid, in the writing indented aforesaid mentioned, to the great damage, and injury of them the said J. M. J. W. and J. L. to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. whereupon the said attorney-general, &c.

The King against Crofs.

Easter, 1st James II. Roll 122.

Somerset, } **T**HAT John Crofs, late of Trull, in the county Information
to wit. } of Somerset, gentleman, on the 22nd day of ^{against a}
March, in the 32nd year of the reign of the lord Charles ^{coroner, for}
the 2d, the late king, &c. was one of the coroners of the ^{persuading}
said late lord the king, in and for the said county, and the ^{a jury after}
office of one of the coroners of the said lord the king, in ^{full evi-}
and for the said county, continually afterwards hitherto hath ^{indence of a}
taken upon himself had and exercised, and as yet doth have ^{persons be-}
and exercise, and that during the time that the said John ^{ing felo de}
Crofs was one of the coroners, in and for the said county, ^{se, to find}
to wit, on the said 21st day of March, in the 32nd year ^{that he was}
of the reign of our late lord Charles the 2nd, &c. aforesaid, ^{non com-}
at E—— in the said county of Somerset, one John Pearle, ^{pos mentia.}
of E—— aforesaid, yeoman, being of sound mind, wisely,
feloniously, and as a felon, of himself then and there did
kill and murder himself, against the peace of the lord the
king his crown and dignity. And that thereupon afterwards
to wit, on the said 21st day of March, in the 32nd year of
the reign of our said lord Charles the 2nd, late king, &c.
aforesaid, at E—— aforesaid, in the said county, one Hugh
Brockford, J. L. the elder, J. L. the younger, J. F. &c.
as the manner and custom is, upon the view of the body of
the said J. P. were sworn, and charged before the said J. C.
one of the coroners of the said lord the late king in and for
the county aforesaid, then and there being, to enquire of the
death of the said J. P. then and there lying dead, and that
the said J. C. on the said 21st day of March, in the 32nd

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year aforesaid, at E—— aforesaid, in the said county, not regarding the duty of his office of one of the coroners of the said lord the late king, but devising, and fraudulently intending to stiffl and conceal the truth of the premisses, and to obstruct, prevent and hinder as much as in him lay the due course of * law, and to conceal the said felony and murder, and with the intention that the said lord the late king might totally lose the whole profits and advantages, which he ought to have in such case, and also to deprive, deceive and defraud the said lord the late king, of the goods and chattels, which were the said J. P's. at the time of his death, he the said J. C. then and there falsly, unlawfully and unjustly, and against the duty of his office, did say and assert to the said jury then and there impanelled sworn and charged to enquire of the death of the said J. P. *“that the said J. P. at the time that he slew himself was mad, and not of sound understanding.”* And thereupon the said J. C. then and there falsly, unlawfully, unduly and unjustly by deceitful and subtil ways and means, and false allegations, persuasions and practises by him the said J. C. on the jurors aforesaid used and practised, then and there falsly, unlawfully, unduly and unjustly, and against the duty of his office in the premisses, for bribes by him the said J. C. then and there in that behalf had and received, and against the full and manifest evidence to the jurors aforesaid, then and there given, did cause and procure upon the inquisition, in that behalf taken, by the oath of the said jurors, before him the said J. C. then being one of the coroners of the said lord the late king, for the said county, that it should be found *“That the said John Pearse, at E—— aforesaid, in a barn belonging to the house of the said J. P. about the hour of ten before mid day, being alone, then and there not being of sound understanding, with one rope of the value of four pence, which he then and there in his hands had and held [one end about his own neck, then and there did put, and the other end about a certain beam] himself with the said rope then did hang and suffocate, and so the said J. P. not being of sound mind, came to his death.”* Whereas in truth and in fact the said J. P. wilfully and feloniously himself did kill and murder, and was of sound mind at the time that he perpetrated the felony and murder aforesaid, by reason of which premisses, the said lord the late king hath totally lost the entire advantages and profits which he ought to have had in such case; and the said coroner and attorney of the said lord the now king further gives the court here to understand and to be informed, that the said John Cross, on the said 21st day of March, in the 32d year of the reign of the lord Charles the 2d, the late king, &c. being as aforesaid one of the coroners of the said lord the late king, for the county aforesaid, with force and arms, &c. at E——

&c.

Indictments for Misdemeanors.

&c. unlawfully, unjustly and extorsively did exact, receive and have from Joan Pearse, the widow of the said John Pearse, over and above the sum of 13s. 4d. to wit, the sum of 5*l.* of the lawful money of England, for the fee of the said J. C. as one of the coroners of the said lord the late king, of the said county, for taking the said inquisition upon the view of the body of the said John Pearse, against the duty of his said office, to the evil example of all others in the like case offending, to the hindrance of Justice, and against the peace of the said lord the late king his crown and dignity, and also against the form of the statute in such case made and provided, &c. whereupon the said coroner and attorney, &c.

* The King against Voysey.

* P. 238.

Cornwall, **T**HAT one Benjamin Stevens, on the 14th day of August, in the 3d year of the reign of our lord James, by the grace of God, of England, &c. king, &c. at Gluvias, in the said county, was slain, against the peace of the said lord the now king, his crown and dignity, and that thereupon afterwards to wit, on the 15th day of August, in the 3d year aforesaid, at G. aforesaid, notice of the death of the said Benjamin, and of the body of the said Benjamin, then and there lying dead, was given to one George Collins, gentleman, and then and there being one of the coroners of the said lord the king, in and for the county of Cornwall aforesaid, and then and there having legal authority within the county and parish aforesaid, to do and execute those things which appertain to the office of a coroner, in that behalf, with intention that the said coroner, according to the duty of his office, and the course of law, might enquire concerning the death of the said Benjamin, then and there lying dead, and might take and transmit of record an inquisition thereof, according to the law of the land and the duty of his office; and that one Thomas Voysey, late of Gluvias aforesaid, not being one of the coroners of the said lord the king, in the said county, but being a person illiterate and entirely unfit to execute those things which appertain to the office of a coroner, in the said county, not ignorant of the premisses, but maliciously contriving, and unjustly, wickedly and corruptly designing and devising, that no coroner in the said case might take an inquisition upon view of the body of the said Benjamin, according to the duty of his office and the law of the land, he

Indictments for Misdemeanors.

the said T. V. on the said 15th day of August, in the 3d year afore-said, at Gluvias afore-said, unlawfully and unduly without any lawful warrant or authority thereon, did usurp, and take upon himself to execute those things which to the office of one of the coroners of the said lord the king, in and for the said county, appertain to be done in the premises. And the said T. V. then and there of his own proper head and imagination, without any lawful warrant or lawful authority thereupon, suddenly after the death of the said Benjamin, knowingly, subtilly and unduly did cause and procure 16 several persons upon the view of the body of the said B. then and there, to take their several oaths, as the custom is, before the said T. V. that they would enquire how and by what means the said B. came to his death, and the said T. V. then and there unlawfully did administer and cause to be administered to the said 16 persons, the oath used in such case, whereas in truth and in fact the said T. V. had not any power or authority to administer such oath to the said persons in such case, whereby the body of the said Benjamin was removed and buried; and the said coroner or any other coroner of the said county, could not nor can as yet inquire in the due manner, upon view of the body of the said B. within the said county, according to the law of this kingdom of England, nor was any inquisition ever had, taken or recorded how or by what means the said B. came to his death, as according to the law of the land of this kingdom of England, in ^{*} such case ought to be done, in contempt of the said lord the now king, and of his laws, to the evil and pernicious example of all others in the like case offending, and against the peace, &c. &c.

Averment.

**P. 239.*

The King against Parry.

Trinity, 2d James II.

Information for removing a seat in church, and disturbing the parish in reading divine service on a Sunday.

Salep, **T**HAT Anthony Parry, late of Lan St. Katherine, in the county of Carnarvon, yeoman, being a pernicious and irreligious man, on the 9th day of May, in the 2d year of the reign of our lord James, by the grace of God, of England, &c. king, &c. being the Lord's-day, called Sunday, with force and arms, &c. at the parish afore-said, in the county afore-said, in the parochial church there, at the time of the celebration of divine service, the bench of one Anne Jones, widow, there being from its antient place, unlawfully

Indictments for Misdemeanors.

lawfully and unjustly did take and remove, and also one Evan Roberts, clerk, then curate of the said parochial church, in the execution of his office in reading divine service, then and there being, then and there with force and arms, &c. unlawfully, unjustly and irreverently did disturb and obstruct, in contempt of the laws of this kingdom of England, to the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c.

The King against Hynde.

London, **T**HAT one John Hynde, late of London, gold-Indictment
To wit. smith, using and exercising the art of merchant-against a
dize, by way of bargaining, exchange, barter and chovifance, bankrupt,
and seeking his manner of living by buying and selling, on the for refusing
7th day of November, in the 1st year of the reign of our lord to answer
James the 2d, of England, &c. king, &c. at London, to wit, the com-
missioners
in the parish of St. Michael Bassishaw, in the ward of Bassi-questions
shaw, London, aforesaid, was and as yet is a bankrupt, within upon his
the several statutes against bankrupts lately made, with inten- examinati-
tion to defraud and obstruct S. Dashwood, kt. S. P. and others, on before
him, his creditors, of their just debts, due and belonging to the said
creditors, and the jurors aforesaid, upon their oath aforesaid,
further say, that afterwards to wit, on the said day and year
aforesaid, the said John Hynde, so as aforesaid being a bank-
rupt, a certain commission of the said lord the king, issued
out of the court of Chancery, of the said lord the king at
Westminster, in the county of Middlesex, made under his great
seal of England, directed to T. Gooding, W. B. esquires,
P. G. &c. * by which commission, the said lord the king did *P. 240.
grant to the said T. G. &c. and to four or three of them, of
whom the said lord the king willed, that the said T. G. or W.
B. should be one, to do and to execute all and all manner of
things whatsoever, as well for the satisfaction and payment of
the said creditors, as for all other intentions and purposes
whatsoever, according to the ordinances and provisions of the
statutes aforesaid; and the jurors aforesaid, further say upon
their oath, that the said T. G. W. B. and J. V. three of the
commissioners in the said commission named, afterwards to wit,
on the 20th day of March, in the second year, &c. at the pa-
rish of St. George, Southwark aforesaid, in the county of
Surrey, did meet to examine the said J. Hynde, of and upon
the premisses in the commission and statutes aforesaid specified
and that he the said J. H. then and there at the parish of St.
George

Indictments for Misdemeanors.

George aforesaid, in the county of S. aforesaid, being present, before the said commissioners last named, and then and there being duly examined and required by the said commissioners, to make known to the said commissioners what accidental losses he the said J. H. had sustained, by which he became unable to pay his debts, he the said J. H. being a person of dishonest disposition, and devising and fraudulently intending not only the said S. D. J. P. &c. the creditors of the said J. H. but also all the other creditors of the said J. H. (whose names to the jurors aforesaid, are yet unknown) of their just debts to deceive and defraud, he the said J. H. aforesaid to wit, on the said 20th day of March, in the 2d year, &c. aforesaid, at the parish aforesaid, in the county aforesaid, falsely, unlawfully and fraudulently, did say and answer to the said commissioners, that he the said J. H. could not give the said commissioners any account thereof (they the said commissioners last named, then having full power and authority to examine the said John Hynde in that behalf) but then and there falsely and deceitfully did refuse, and totally neglect to give any account concerning the said premisses, to the said commissioners, in contempt of the said lord the now king, and of his laws, to the great obstruction of the execution of the said statutes, to the deceiving and defrauding the said creditors of great sums of money, due to the said creditors, to the evil and pernicious example, &c. and against the peace, &c.

The King against Pick.

Hilary, the 36th of Charles the 2d.

Indictment
for setting a
mastiff dog
on a man,
who bit and
wounded
him on his
left leg.

*P. 24 I.

Middlesex, **T**HAT Robert Pick, late of the parish, &c. in the county, &c. on the day and year, &c. with force and arms, &c. at, &c. in and upon one John Messenger, in the peace of God and of the said lord the now king, then and there being, did make an assault, and that the said R. P. then and there having with him a certain mastiff dog, the said mastiff dog, in and upon the said J. M. did incite, by reason of which incitement, the said mastiff dog, * in and upon the said J. M. then and there did seize, and the said J. M. in the left leg of the said J. M. then and there did grievously bite and wound, by reason of which grievous biting and wounding of the said J. M. in his left leg aforesaid, he the said J. M. from the said day and year, &c. to the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, did languish, and languishing did live, and as yet is in great peril of his life, and other wrongs to the said J. M. then and there did, to the great damage of the said J. M. and against the peace of the said lord the now king his crown and dignity, &c.

The

Indictments for Misdemeanors.

The King *against* Milner.

Michaelmas, the 1st of James the 2d.

London, **T**HAT Jonathan Milner, late of the parish, &c. Information to wit. being a person greedy of gain, of wicked mind for keeping and dishonest conversation, and devising, practising and a common falsely, fraudulently and deceitfully intending to deceive and raffling shop. defraud the apprentices, young men, and other liege and faithful subjects of this kingdom of England, of their monies, goods and chattels, by a certain false, deceitful and unlawful game, with dice, called raffling, for silver money, goods and chattels, and divers great sums of money, from divers subjects of the said lord the king unknown, to acquire and obtain at the said unlawful game with dice, in the shop of the said J. M. situate within the parish, &c. he the said J. M. to fulfil, perfect and bring to effect his most wicked devices, practises and intentions aforesaid, on the 24th day of August, in the 1st year of the reign of our lord James the 2d, and for the space of fourteen days then next ensuing, with force and arms, &c. falsely, unlawfully, unjustly, wickedly, fraudulently and deceitfully, for the proper advantage and gain of the said J. M. unlawfully and wickedly did maintain, continue and keep a certain unlawful, publick and open gaming house, for the said game, called raffling, and in the said shop, the said game called raffling, with dice, for silver money, goods and chattels, with force and arms, &c. during the whole time aforesaid, falsely, deceitfully and unlawfully, did maintain, exercise and continue, to wit, at, &c. and there within the time aforesaid, falsely, unlawfully, unjustly, wickedly, fraudulently and deceitfully did seduce, cause and procure divers apprentices and poor persons unknown, to play at the said unlawful game, called raffling, and to lose divers goods of great value and sums of money at the said game, with dice, to the great deceit, ruin, fraud and impoverishment of the apprentices and poor persons aforesaid, and of other liege subjects of the said lord the king, frequenting and going to the said gaming shop of the said J. M. at unlawful times, as well in the night as in the day, in manifest contempt of the laws of this kingdom of England, to the evil and pernicious example, &c. and against the peace, &c.

The

Indicements for Misdemeanors.

*P. 242.

* The King against Harfant.

Hilary, 2d and 3d James 2d.

Information
against an
empirick,
for exer-
cising the
faculty of a
physician
and surgeon
without
licence.

Suffolk, **T**HAT John Harfant, of, &c. being an illiterate man, and unlearned and unskilled in the art or faculty of medicine and surgery, and devising and intending by divers unlawful means, falsely, unlawfully, craftily and wickedly to deceive and defraud the liege and faithful subjects of the said lord the king, of their goods, chattels and monies, to maintain his dishonest course of living, on the day and year, &c. and continually afterwards, until the day of the exhibition of this information, to wit, for the space of ten whole months and more, with force and arms, &c. at, &c. in the county, &c. and in divers other places in the said county, falsely, unlawfully, impudently, and for the sake of wicked gain, did assume upon himself, to execute, exercise and occupy the art, faculty and science of a physician and surgeon, and then and there falsely and impudently did publish that he was a physician and surgeon, and as a physician and surgeon did give, administer and apply improper, noxious, insalubrious and most dangerous medicines, as good and salubrious medicines to divers subjects of the said lord the king, afflicted with various infirmities, diseases and wounds, in the county, &c. to wit, in the parish, &c. in the county, &c. and in divers other places in the said county, (the said J. H. never being admitted, approved or allowed by the bishop of Norwich, in whose diocese the said J. H. for the whole time aforesaid did dwell, and for the same time did act and practise as a physician and surgeon, or in the absence of the said bishop from his diocese, by the vicar general of the said bishop, to exercise the said faculty) to the great damage, injury and manifest deceit of very many liege subjects of the said lord the king, to the evil and pernicious example, &c. and against the peace, &c.

Indictments for Misdemeanors.

The King against Lewis and others.

Trinity, 4th James 2d.

Ex, **T**HAT several rivers and waters commonly named Information
To wit. and called by the several names of Burnham, for destroy-
otherwise Wallfleet-pont, Laylingfleet, Mazyshole, Mazy- ing a gr at
fleet, Peldonfleet, Coanepycfleet, Baslethansfleet Ryefands, quantity of
Manning-tree-water, Southfleet, running and flowing in the small oyf-
county of Essex, are and from the time whereof, the memory of spat and ters, and
of man is not to the contrary, have been common rivers and culch by dredging in
navigable waters, and arms of the sea in which the salt water the arms of
daily ebbs and flows, by its own course, and the vessels of the sea,
this kingdom of England may and can sail, and in * which *P. 243.
rivers and waters, oysters and other fish from time to time where the
for the whole time aforesaid, have been used and accustomed oysters used
to grow, encrease, propagate and multiply, and the subjects to breed.
of this kingdom of England there coming and willing to
fish with lawful nets of whatsoever kind, and with dredges
for oysters and other fish of whatsoever kind, at seasonable
times, of common right have been used, accustomed, ought
and may freely fish, and that John Lewis, the younger, of
Burnham, in the county of Essex, fisherman, John London
of the same, fisherman, Richard Rowe of S. aforesaid, in
the county aforesaid, fisherman, Dionysius Ignator, of P. in
the county aforesaid, fisherman, and others, not ignorant of
the premisses, but knowing them well, and being malicious
and evil disposed persons, and seeking their living although
by the injury of others, and maliciously, unjustly, unlawfully
and unduly contriving, devising and intending to ruin, destroy
and despoil the oysters, and the increasē, propagation and
multiplication of oysters, and also the spats of oysters,
from time to time growing, renewing and increasing in the
rivers or waters of the sea aforesaid, and to deprive, frus-
trate and hinder the subjects of the said lord the king there
coming and willing to fish for the profit, advantage and
benefit of fishing for and catching oysters, which they there
at seasonable times have been used and accustomed to have
and enjoy, and ought to use have and enjoy, they the said
J. L. the younger, and others, on the 1st day of December,
in the 2d year of the reign of our lord James the 2d, the
now king of England, &c. and at divers other days and times

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between the said 1st day of December, in the 2d year aforesaid, and the day of the exhibition of this information, to wit, the 1st day of May, in the 4th year, &c. aforesaid, in and upon the rivers or waters of the sea, aforesaid, to wit, at Westmearly, in the county aforesaid, in and with several boats, wherries, and other vessels did row and sail, and each and every of them did row and sail, and in further prosecution of their malicious and unlawful intentions aforesaid, and for their sole and private gain, and proper advantage, then and there in the rivers or waters aforesaid, at unreasonable times, with force and arms, unlawfully, unjustly, unduly, injuriously and for the sake of wicked gain, with certain unlawful trammels, drag-nets, sweep-nets, engines and instruments, did dredge and fish for oysters, and several great quantities of very small oysters, of the length and breadth of only one inch, then and there found and propagated, to wit, 40,000 bushels of very small oysters aforesaid, and great quantities of spats of oysters, and culch for the preservation and setting of the spats of oysters, there, to wit, 40,000 bushels of the spats of oysters, and 40,000 bushels of culch for the preservation and setting of the spats of oysters, in the rivers or waters aforesaid, then and there being and found, with force and arms, &c. unlawfully, unjustly, unduly and injuriously, at unreasonable times, in and from the rivers or waters aforesaid, then with the said unlawful trammels, drag-nets, sweep-nets, engines and instruments, did dredge, take, ruin, destroy and carry away, and to their own proper use did convert and dispose, and each and every of them did dredge, take, ruin, destroy and carry away, to the great destruction, ruin and spoliation of the oysters, and the spats of oysters, in the rivers or * waters aforesaid, growing, increasing and coming, and to the hindrance of the increase, propagation and multiplication of oysters, there, to the evil example, &c. and against the peace, &c. whereupon the said attorney, &c. &c.

*P. 24.

Not guilty pleaded, and venire facias awarded.

The King against Glover.

Easter, 2d James 2d.

Surrey, **T**HAT whereas on the 8th day of July, in the 1st year of the reign of our lord James the 2nd by the grace of God, of England, &c. king, &c. a certain writ of the said lord the king of habeas corpus, out of the court of the said lord the king before the king himself, at Westminster,
Information against the marshal of the king's Bench, for suffering a

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Westminster, in the county of Middlesex, to the then sheriff prisoner of the county of Middlesex aforesaid directed, duly and law-fully issued, by which writ the sheriff of the county of Middlesex aforesaid was commanded, that he the said sheriff should have the body of one Zacheus Green, in the prison of the said lord the king, under the custody of the said sheriff detained, under safe and secure conduct, together with the day and cause of the caption and detention of the said Zacheus, before Francis Withins, knight, one of the justices of the said lord the king, assigned to hold pleas before the king himself, at his chamber situate in Serjeants-inn, Fleet street, London, immediately after the receipt of the said writ, to do and receive all and singular the things, which the said Francis Withins, knight, then and there concerning him should consider in that behalf, which writ afterwards to wit, on the 21st day of November, in the 1st year aforesaid, at Westminster aforesaid, in the said county of Middlesex, was delivered to Benjamin Thorowgood, knight, and Thomas Kinsey, knight, then being sheriff of the county of Middlesex aforesaid, in the form of law to be executed, upon which writ the said B. T. and T. K. then being sheriff of the county of Middlesex aforesaid, afterwards to wit, on the said 21st day of November, in the 1st year, &c. aforesaid, returned and certified to the said Francis Withins, knight, then being one of the justices of the said lord the king, assigned to hold pleas before the king himself, at his chamber situate in Serjeants-inn, Fleet street, London aforesaid, *"That before the delivery of the said writ of the lord the king of habeas corpus to the said sheriff directed, to wit, on the 1st day of October, in the 1st year of the reign of the said lord the now king, the said Zacheus Green, in the said writ named, was taken by the said sheriff and in the prison of the said lord the now king under the custody of the said sheriff is detained, by virtue of a certain writ of the said lord the king of capias utlagatum, at the suit of one Humphrey Jennens, esquire, of a plea of trespass upon the case, returnable into the court of the said lord the king of the bench, at Westminster, at the octave of St. Martin, from thence next ensuing, before the justices of the said court of the said lord the king of the bench aforesaid."* And also the said sheriff of the county of Middlesex aforesaid, then and there to the said Francis Withins, knight, then being one of the justices of the said lord the king, assigned to hold pleas before the king himself, further returned and certified *"that the said Zacheus was taken by him the said sheriff of the county of Middlesex aforesaid, and in the prison of the said lord the king under the custody of the said sheriff is detained, by virtue of a certain precept of the said lord the king, called a bill of Middlesex, returnable before the said lord the king at Westminster, on the Thursday next after the*

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*“ the octave of St. Martin, to answer to one John Green, Gentle-
 “ man, one of the attorneys, &c. of a plea of trespass upon the
 “ case. And that these were the causes of the caption and detention
 “ of the said Zacheus, in the prison aforesaid, under the custody of
 “ the said sheriff of the county of Middlesex aforesaid, and that
 “ the said sheriff had the body of the said Zacheus ready, before the
 “ said Francis Withins, knight, one of the justices of the said lord
 “ the king, assigned to hold pleas before the king himself, accord-
 “ ing to the tenor of the said writ of habeas corpus.”* And the said
 coroner and attorney of the said lord the king, for the said lord
 the king further gives the court here to understand and to be in-
 formed, that the said F. W. kt. then being as aforesaid one of
 the justices of the said lord the king, assigned to hold pleas
 before the king himself, afterwards to wit, on the said 21st
 day of November, in the 1st year aforesaid, at Serjeants-inn
 aforesaid, in Fleet street, London aforesaid, committed the
 said Zacheus to the custody of Henry Glover, of the parish,
 &c. marshal of the marshalsea of the lord the king, before
 the king himself, for default of mainpernors, charged with
 the said writ of the said lord the king of *capias utlagatum*,
 at the suit of the said Humphrey Jennens, and also with
 the said precept of the said lord the king, called a bill of
 Middlesex, at the suit of the said John Green, as is afore-
 said, as by the return of the said sheriff upon the said writ
 of the said lord the king of *habeas corpus*, issuing out of the
 court of the said lord the king, before the king himself, in the
 due manner, and to the same writ annexed, in the court of the
 said lord the king here, before the king himself, to wit, at West-
 minster aforesaid, remaining affixed relation being thereto had
 more fully appears. And the said coroner and attorney of the
 said lord the king, for the said lord the king further gives the
 court here to understand and to be informed, that the said Z.
 by virtue of the said commitment, by the said F. W. knight,
 then being one of the justices of the said lord the king, as-
 signed to hold pleas before the king himself, as aforesaid, to
 the said marshal, with the charge as is aforesaid, on the 21st
 day of November, in the 1st year, &c. aforesaid, then was
 safe and secure in and under the custody of the said H. G.
 marshal of the marshalsea aforesaid, then being kept and
 detained a prisoner by the marshal of the marshalsea of the
 said lord the king, before the king himself, at the said parish
 of St. George, Southwark, in the said county of Surrey,
 lawfully and by the command of the said Francis Withins,
 knight, for the default of mainpernors as is aforesaid. Ne-
 vertheleſs the said H. G. after the commitment of the said
 Z. G. before that the said Z. G. was delivered by the due
 form of law out of the custody of the said H. G. to wit,
 on the 30th day of April, in the 2d year of the reign of our
 lord

Indiements for Misdemeanors.

lord James the 2d, the now king of England, &c. at the said parish of St. George, Southwark, in the said county of Surrey, then as aforefaid, being marſhal of the marſhalſea of the ſaid lord the king before the king himſelf, and alſo keeper of the priſon of the marſhalſea aforeſaid, ſituate at the ſaid pariſh of St. George, Southwark, in the ſaid county of Surrey, well knowing the ſaid Zacheus to be charged with the ſaid writ of capias utlagatum, and with the ſaid precept, him the ſaid Z. G. at the ſaid pariſh of St. George, in Southwark, out of the cuſtody of him the ſaid H. G. and * alſo out of the priſon of the marſhalſea aforeſaid, *P. 246.
(the ſaid writ of capias utlagatum not being reverſed or annulled, or the ſaid Humphrey Jennens, not being ſatisfied or in any manner contented, of his ſaid action againſt the ſaid Z. G.) unlawfully and wilfully did permit, to eſcape and as yet doth permit to go at large, whereſoever he will, to the evil example of all others in the like caſe offending, and againſt the peace of the ſaid lord the now king, his crown and dignity, &c. whereupon, &c.

The King againſt Manlove.

Trinity, 36th Charles 2d.

Middleſex, } **T**HAT whereas heretofore to wit, in the ward of the ſtrect of St. Michael, in the 31ſt year of the ſlect, To wit. } term of our lord Charles 2d, king, &c. in the ſaid court of the ſaid lord the king, before the king himſelf, here to wit, for per-
of the ſaid lord the king, before the king himſelf, here to wit, mitting a pri-
at Weſtminſter aforeſaid, in the county of Middleſex, then, ſoner who
and there being held, by the ſaid court there, it was con- 500*l.* in the
ſidered, that one Thomas Cudmore, by the name of Tho- King's
mas Cudmore, for certain treſpaſſes and miſdeeds by him bench, to
the ſaid Thomas Cudmore committed and perpetuated, and eſcape after
thereof in the due manner indiſted and convicted, ſhould an habeas
pay to the ſaid lord the king the ſum of 500*l.* for his ſinelivered to
impoſed upon him by occaſion of the premiſſes, and that corpus de-
the ſaid T. C. ſhould be taken, &c. as by the record and the body in
proceedings thereof in the ſaid court of the ſaid lord the king, of King's
before the king himſelf, now to wit, at Weſtminſter afore- Bench, in
ſaid, in the ſaid county of Middleſex, remaining of record order to be
manifeſtly appeareth; afterwards to wit, on the day and committed
year, &c. a certain writ of the ſaid lord the king of habeas cor- to the mar-
pus cum cauſa, iſſued out of the court of the ſaid lord the king, ſhal in exe-
cution for
before the ſine.

Indictments for Misdemeanors.

before the king himself, then being held at Westminster aforesaid, directed to the warden of the prison of the said lord the king, of the fleet, or his deputy there, by which writ the said warden of the said prison of the fleet, was commanded that he should have the body of the said T. C. then detained in the prison of the said lord the king, under the custody of the said warden of the said prison, together with the day and cause of the caption and detention of the said T. by whatsoever name the said T. might be called in the same, before the said lord the king, at Westminster, on the Friday after the morrow of the ascension of our Lord then next coming, to submit to and receive the things which the said court of the said lord the king, concerning the said T. C. should order in that behalf, and that the said warden should in no wise omit at his peril, and should have there then that writ; which writ of habeas corpus so as aforesaid issued, and directed, afterwards and before the return thereof, to wit, on the day and year, &c. at the said prison of the fleet, situate in the parish, &c. was delivered to Richard Manlove, Esquire, then and ever since continually and hitherto being warden of the said prison of the said lord the king, of the fleet, to be executed in the due form of law, (the said T. C. then being in the due manner a prisoner in the said prison, under the custody of the said warden.) And the said attorney general of the said lord the king, for the said lord the king further gives the court here to understand and to be informed, that the said writ of habeas corpus to have the body of the said T. C. issued out of the court of the said lord the king, before the

*P. 247. *king himself here, and to the said warden of the said prison of the said lord the king, of the fleet, was directed and delivered with intention to remove the body of the said T. C. from the said prison of the fleet, into the said court of the said lord the king, before the king himself, now here according to the command of the said writ, so that the said T. C. by the said court might be committed a prisoner to the marshal of the marshalsea of the said lord the king, before the king himself, in execution for the said fine of 500*l.* so as aforesaid imposed upon the said T. C. there to remain until that he should fully satisfy the lord the king thereof; whereupon the said R. Manlove, being as aforesaid warden of the said prison of the fleet, not regarding the duty of his office aforesaid, but despising the said writ of the said lord the king of habeas corpus, to the said warden, for the occasion aforesaid, so as aforesaid directed and delivered, and instigated and seduced by the hope of base lucre, afterwards to wit, on the——day of in the year, &c. at, &c. him the said T. C. out of the said prison of the fleet, and out of the custody of the said warden, in which as aforesaid the said T. C. was detained, without any lawful warrant therefore, and a-

gainst

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gainst the duty of his office aforesaid, wilfully and corruptly and with the consent of the said warden did permit to escape and go at large wheresoever he the said F. C. would (the said lord the now king then not being paid or satisfied of the said fine of 500*l*. or of any part thereof, imposed upon the said T. C. as aforesaid) in manifest contempt of the said lord the now king and of his laws, and to the danger of losing of his said fine, to the forfeiture of his office aforesaid, and to the evil example of all others in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c.

The King *against* Lee.

Easter, 20th Charles 2d.

London, } **T**HAT John Lee, late of London, esquire, on Information
To wit. } the 1st day of December, in the 13th year of ^{against the} the reign of our lord Charles the 2d, of England, &c. king, ^{town clerk} of London's
&c. and continually afterwards until the 1st day of January, ^{deputy, for} in the 17th year of the reign of our said lord the now king, not estreat-
was the deputy of John Weld, esquire, town clerk of the ^{ing recog-} city of London, and by virtue of his office of town clerk of ^{nizances} the city aforesaid, ought to estreat and return into the Ex- ^{which were} chequer of the said lord the king, for the whole time afore- ^{forfeited at} said, all forfeited recognizances for not appearing at any ^{the sessions,} session of the peace and goal delivery, held for the said city, ^{and discharg-} returned to the said sessions; nevertheless the said J. L. not ^{ing them} regarding the duty of his office of deputy of the town clerk ^{after for-} of the said city, and perverting the trust in him reposed, ^{feiture.} and devising and intending the said lord the king of divers sums of money, by the forfeiture of divers recognizances to the said lord the king due, to deceive and defraud, between the said 1st day, &c. in the year aforesaid, and the 1st day, &c. unlawfully, extorsively and under colour of his office aforesaid, did receive and take of and from one * H. R. and *P. 248. others, who were bound to the said lord the king, in a certain recognizance, for the appearance of L. F. at the session of the peace and goal delivery for the city aforesaid, next after the taking of the said recognizance to be held, a certain sum of money to wit, 16 shillings of the lawful money of England, to defer returning and estreating the said recognizance into the said exchequer; and of J. K. and others, and also
of

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of divers other subjects of the said lord the king, whose names are yet unknown to the said attorney of the said lord the now king, several other sums of money, to defer returning and estreating into the said exchequer, divers other recognizances by them severally acknowledged before several justices of the peace of the said lord the now king, for the appearance of several other malefactors and delinquents, in the same recognizances respectively named, at the said several sessions of the peace and goal delivery, at which they ought severally to appear, all which several recognizances before mentioned, for the non appearance of the said several malefactors and delinquents, at the said several sessions of the peace and goal delivery, at which they ought severally to appear, were returned and severally were forfeited to the said lord the now king; and that the said J. L. devising and intending the said lord the now king, of the money arising to the said lord the king, from the several recognizances aforesaid, so as aforesaid forfeited, to deceive and defraud, the said several recognizances after the return of the same to the several sessions aforesaid, and after the several forfeitures of the same, did not return and estreat into the Exchequer of the said lord the now king, but the said several recognizances for his own proper gain and advantage, at the parish aforesaid, &c. between the days first aforesaid mentioned, unlawfully and unjustly did procure to be discharged, against the duty of his office, against the trust in him reposed, to the great deceit of the said lord the king, to the evil example of all others in the like case offending, and against the peace, &c. &c. &c.

The King against Lock.

Easter, 36th Charles 2d.

Information
against a
person for
conveying
one into
parts be-
yond the
seas, who
had escaped
out of the
custody of
the serjeant
at arms to
whom he

Sussex, } **T**HAT on the 27th day of June, in the 35th
To wit. } year of the reign of our lord Charles the 2d,
king of England, &c. at Westminster, in the county of
Middlesex, Ford, lord Grey, for divers high treasons by him
late before that time supposed to be perpetrated, was in the
due manner taken, and that afterwards to wit, on the said
27th day of June, in the 35th year of the reign of our said
lord the king aforesaid, Leoline Jenkins, knight, then one
of the privy council of the said lord the king, and principal
secretary of state of the said lord the king, at Westminster
aforesaid, in the said county of Middlesex, made his certain

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warrant in writing, dated the said day and year, and sealed with the seal of the said Leoline Jenkins, knight, and signed and subscribed with the proper hand writing of the said Leoline Jenkins, and directed to one Thomas Cheeke, Esquire, then lieutenant of the Tower of London, by which warrant the said Leoline Jenkins, knight, then and there in the name of the said lord the king, willed and * required the said Thomas Cheeke, Esquire, to receive into his custody the person of the said Ford, lord Grey, then committed for high treason, in compassing the death of the said most serene lord the king, and conspiring to levy war against the said lord the king, and that the said Thomas Cheeke, Esquire, him the said Ford, lord Grey, should safely keep, until that he should be afterwards delivered according to the due course of law, and that afterwards to wit, on the said 27th day of June, in the 35th year, &c. aforesaid, at Westminster, in the said county of Middlesex, the said warrant so as aforesaid made, signed and sealed, and also the person of the said Ford, lord Grey, were delivered to one Henry Dercham, esquire, then being one of the serjeants at arms in ordinary of the said lord the king, by virtue of which warrant the said H. Dercham, took and in his custody had and detained, the said Ford, lord Grey, and then and there the said H. Dercham, by the said Leoline Jenkins, was required him the said Ford, lord Grey, in safe custody to deliver to the said Thomas Cheeke, esquire, then lieutenant of the Tower of London, safely and securely to be kept, for the cause aforesaid above alledged, according to the tenor of the said warrant, and that the said H. D. afterwards to wit, on the day and year, &c. aforesaid, at the parish of St. Catherine, nigh to the Tower of London, in the said county of Middlesex, permitted him the said lord Grey, to escape and go at large out of his custody, wheresoever he would, and that one Robert Lock, late of Horsham, in the county of Sussex, sailor, well knowing the premisses aforesaid, afterwards to wit, on the 30th day of June, in the 35th year, &c. aforesaid, at Horsham, in the said county of Sussex, with force and arms, &c. unlawfully, unjustly and corruptly him the said Ford, lord Grey, into the custody of the said Robert Lock, did take and conceal, and the said Ford, lord Grey, then and there in a certain vessel called the Hare, under the custody of the said Robert Lock, did carry away and convey into parts beyond the seas, to wit, to Middleburgh in Flanders, to the great obstruction of justice, to the evil and pernicious example of all others

was committed for treason by the secretary of state.

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in the like case offending, and against the peace of the said lord the now king his crown and dignity, &c. Whereupon, &c.

The King against Martin.

Information

against a
curfitor for
receiving a
fine of 40
shillings, up-
on an origi-
nal, and
though the
writ was ne-
ver sealed,
never re-
turned the
money to
the party,
nor paid it
to the king,
but kept it
to his own
use.

*P. 250.

To wit. **T**HAT the offices of Curfitors, are antient offices, in the high court of Chancery, of the said lord the king, and of his progenitors, kings and queens of this kingdom of England, (the said court now being at Westminster, in the county of Middlesex,) for making original writs, for the subjects of the said lord the king, and of his progenitors, out of the court of Chancery aforesaid, from time to time issuing, and that it hath appertained, and ought to appertain to every the curfitor and curfitors aforesaid, from the time whereof the memory of man is not to the contrary, by reason of his office, to receive and pay fines upon every original writ by him made, to the said lord the king, and to his progenitors, due of right, to wit, upon every writ original upon actions upon the case, where the damages reach to one hundred pounds, ten shillings, and for every hundred pounds of damages, in such writ demanded or * charged above the sum of 100*l.* 10*s.* and that Henry Martin, late of, &c. was and as yet is one of the curfitors in the said court of Chancery, of the said lord the king, for the city of London, nevertheless the said H. M. being a person greedy of unjust gain, and devising and intending, by reason of his office, to gain and acquire sums of money, as well by deceiving and defrauding the said lord the now king, as his subjects, he the said H. M. afterwards to wit, on the day and year, &c. at, &c. in the county, &c. two pieces of gold coin called guineas, of the value of 43 shillings, of the lawful money of England, [40 shillings thereof, for and in the name of a fine to be paid upon an original writ, by him to be made, in an action of trespass upon the case, by the president of the college or community of the faculty of medicine, London, against John Culter, knight and baronet, for 40*l.* damages] from one William Ravenhill, gent. under colour of his office, did have and receive, and although the said writ was never made and sealed, nevertheless the said H. M. unjustly, fraudulently and deceitfully, the said 40 shillings, under colour of his office aforesaid, in
the

Indictments for Misdemeanors.

he manner and form aforesaid, for the said fine by him had and received to his own proper use, benefit and profit did detain, without any return or repayment thereof to the said W. R. or payment to any other person, or rendering any account thereof to the said lord the king, but in fraud and deceit, as well of the said lord the king, as of his subjects, the said money to his own proper use then and there did convert and dispose, against the duty of his office aforesaid, in great deceit of the said lord the king, and of his people, in manifest contempt of the laws of this kingdom of England, to the evil example, &c. &c.

The King *against* Farrington.

Easter, 1st James 2d.

To wit, **T**HAT heretofore to wit, on Monday in the week next after the feast of St. Michael the archangel, for cutting to wit, on Monday the 2d day of October, in the 34th year of the reign of our lord Charles the 2d, the late king of England, &c. at a general Quarter-sessions of the peace, of the said lord the late king, held for the county of Suffex aforesaid, at Midhurst in the said county, before R. M. knight, J. A. esquire, and others their fellow-justices of the said late lord the king, assigned to preserve the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county perpetrated, &c. By the oath of 12 jurors, good and lawful men of the body of the said county, then and there sworn, and charged to enquire for the said late lord the king, and for the body of the said county, it was presented, that J. Davies, late of, &c. labourer, and R. Farrington, late of, &c. gent. not having the fear of God before their eyes, but being moved and seduced by the instigation of the devil, on the 6th day of August, in the 34th year, &c. aforesaid, with force and arms, &c. at the parish, &c. in and upon one Richard Habin, in the peace of God, and of the said late lord the king * then and there being, feloniously, wilfully, and of their malice aforethought did make an assault, and the said J. D. with a certain staff, of the value of one penny which he the said J. D. then and there in his right-hand had and held, him the said R. H. in and upon the right part of the head of the said R. H. did strike, then and there giving to the said R. H. in and upon the said right part of the head of him the said

Information
for cutting
the hair of
one indicted
for murder,
and disguis-
ing him in
an unusual
habit, and
keeping him
in private
places, and
maintain'g
him, and
supporting
him, to
keep him
from the
justice of
the law

*P. 251.

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R. H. one mortal wound, of the length of one inch, and of the breadth of half one inch, and of the depth of one inch, of which mortal wound the said R. H. then and there instantly died; and that the said R. F. on the said 6th day of August, in the 34th year, &c. aforesaid, of his malice aforethought, feloniously was present, aiding, comforting, abetting and maintaining the said J. D. feloniously, wilfully, and of his malice aforethought to kill and murder the said R. H. in the form aforesaid; and so the jurors aforesaid then did say upon their oath aforesaid, that the said J. D. and R. F. feloniously, wilfully, and of their malice aforethought then and there him the said R. H. did kill and murder, against the peace of the said late lord the king, his crown and dignity; as by the indictment aforesaid, in the court of the said lord the now king, by a writ of the said lord the late king of Certiorari in the due manner returned, and there now remaining of record more fully appeareth. And the said Attorney-general of the said lord the now king, for the said lord the king, further gives the court here to understand and to be informed, that the said R. Farringdon, late of the parish of, &c. and J. B. late of, &c. and others well-knowing, and each of them well-knowing the said premises, but being persons of evil name, fame, and of dishonest conversation, and devising, practising, and among themselves falsely, unlawfully, unjustly, wickedly, and diabolically intending as much as in them lay, to obstruct, turn aside and retard the due course of law, afterwards, to wit, on the 19th day of May, in the 35th year of the reign of the said late lord the king, at the parish, &c. falsely, unlawfully, wickedly, and diabolically among themselves did conspire, devise and practise, and each and every of them did conspire, contrive and practise, to hide, and conceal the said J. Davies from the process of the law for the said murder, and to render the process of the law against the said J. Davies, for the said murder of no effect, and to fulfil, perfect, and bring to effect their most wicked devices, practises and intentions aforesaid, they the said R. F. J. B. and others, on the said 19th day of May, in the said 35th year aforesaid, and at divers other days and times as well before as after, with force and arms, &c. at &c. and in divers other secret and unknown places, falsely, unlawfully and unjustly, wickedly, seditiously, wilfully, knowingly and diabolically the hair from the head of the said J. Davies did cut off, and did cause to be cut off, and each and every of them did cut off, and did cause to be cut off, and him the said J. Davies then and there in unusual garments did disguise, and each of them did disguise and did cause to be disguised, and him the said J. Davies so as aforesaid disguised, then and there with force and arms, &c. unlawfully, unjustly, wickedly and

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and diabolically into divers parts, and secret and obscure places did send and convey, and did cause and procure to be sent and conveyed, and each and every of them did send and convey, and did cause and procure to be sent and conveyed, and divers great sums of money to the said J. Davies, then and there with force and arms, &c. unlawfully, unjustly, * wickedly and diabolically did send, give, and deliver, and did cause and procure to be sent, given and delivered, and each and every of them did send, give and deliver, and did cause and procure to be sent given and delivered for the supporting, maintaining comforting and concealing of the said J. D. and the said J. D. by the said unlawful ways then and there, and at the other days and times aforesaid did support and maintain, and each and every of them did support and maintain in contempt of the laws of this kingdom of England, to the manifest obstruction of justice, to the evil and pernicious example of all others in the like case offending, and against the peace of our said lord the now king, his crown and dignity, &c. whereupon the said attorney, &c.

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The King against Cox.

Michaelmas, 36th Charles 2d.

Middlesex, **T**HAT the art and mystery of frame-work-Information
To wit. **I** knitters, is a new art and mystery, lately against a
and first invented in England by the subjects of the lord frame-work
the king, of this kingdom of England, and by the said knitter, for
subjects of the said lord the king, of this kingdom of seducing se-
England, for divers years now past, solely and exclusively art, to leave
exercised, by which art and mystery very many subjects of the kingdom
the said lord the now king, of this kingdom of England, and go to
exercising the said art and mystery, not only have acquired France, and
and yet do acquire for themselves a living, but also great French that
riches, and for the greater benefit and encouragement of art.
the persons using the said art and mystery, the said lord
now king by his letters patent, bearing date at Westmin-
ster, the 19th day, &c. in the 15th year of the reign of
our said lord the king, &c. incorporated them by the
name of the master, wardens and assistants, of the society
of frame-work knitters, of the cities of London and West-
minster,

Indictments for Misdemeanors.

minster, of the said lord the king, and of the kingdom of England, and of the lordship of Wales; and that Lancelot otherwise called Giles Cox, of the parish, &c. in the county, &c. frame-work knitter, being a natural subject of the said lord the now king, and a free-man of the said corporation, not ignorant of the premisses, nor in any wise weighing the duty of his allegiance, but desiring to acquire lucre and profit to himself, by the ruin and impoverishment of all the other subjects of the said lord the now king, using the said art and mystery, on the 1st day, &c. in the year, &c. one Charles Hilton, of, &c. frame-work knitter, a natural subject of the said lord the now king, and who for the space of divers years, then last past, at, &c. in the county, &c. had diligently used and exercised the said art and mystery, and by the use and exercise of the said art and mystery, had competently supported and maintained himself, his wife and the rest of his family; and also divers other natural subjects of the said lord the king, the said art and mystery, at the parish, &c. then and there using, unlawfully did solicit, entice and seduce to leave and desert their respective families, to suffer poverty, without any provision for the support of them, or of any of them, and to *pass beyond the sea with the said L. &c. and others, &c. and the said other persons, so by the said L. &c. enticed and seduced, on the said day, year and place aforesaid, he the said L. otherwise G. C. did transport, and cause to be transported, from the parish, &c. in the county, &c. to Paris, in the kingdom of France, and there them did occupy and put to labour, for the said L. C. in the art and mystery aforesaid, and also did cause and procure the said C. H. to teach and instruct divers other persons, being subjects of the French king, in the art and mystery aforesaid, and that afterwards to wit, on the day and year, &c. the said L. for a certain sum of money, to him the said L. paid, did sell and dispose him the said C. H. to a certain foreigner, being a subject of the said French king, with intention that the said C. H. might instruct other foreigners, ignorant of the said art and mystery, in the art and mystery aforesaid, whereby the said art and mystery is greatly injured in this kingdom of England, and the profits and benefits heretofore arising therefrom are totally lost and destroyed, to the great impoverishment of all the subjects of the said lord the now king, using the said art and mystery, and whereby the respective wives and families, of the said C. H. and the others so seduced and transported, have fallen into great want and poverty,

Indiements for Misdemeanors.

poverty, in manifest contempt of the laws of this kingdom of England, to the evil example of all others in the like safe offending, and against the peace, &c. &c.

The King *against* Russell *and others*.

Michaelmas, 2d James 2d.

London, **T**HAT the lord Charles 2d, the late king of ^{Information} Towit. England, by his letters patent, sealed with his ^{for setting} great seal of England, bearing date at Westminster, on the 22d ^{up an office} day of April, in the 17th year of the reign of the said late ^{for registering} king, which are produced to the court here, for himself his ^{policies of} heirs and successors, gave and granted to one Allen Broderick, ^{assurance} knight, and to his assigns the office of making, and registering ^{when the} of all manner of policies of assurance, renunciation, intima- ^{said office} tion, and of all other things whatsoever, which might be ^{was by the} made or done upon any ship or ships, or any goods, mer- ^{kings letters} chandizes or any other thing or things in the royal exchange, ^{patent,} or in any other place or places, within his city of London, ^{granted to} by any person or persons whatsoever, of whatsoever nation, ^{another.} condition or quality he or they might be, either going out or coming into this kingdom, or going or coming into any other place or places whatsoever; and further the said late king, by the said letters patent for himself, his heirs and successors, created, made, constituted, ordained and appointed, the said Allen Broderick and his assigns, makers and registers of all manner of policies of assurance, intimation and renunciation, and of the other premisses, to have, hold, occupy and enjoy the making * and registering of all the aforesaid po-
licies of assurance and assurances, intimation, renunciation and the other premisses, to him the said Allen Broderick and his assigns, to be used and exercised by him, or by them, or by his or their sufficient deputy or deputies, for and during the natural lives of him the said Allen Broderick, and of one William Broderick of London, Merchant, and for the life of the survivor of them, together with such and the like fees, sums of money, duties and benefits whatsoever, as formerly were usually had, taken and received by Giles
Over-

Indictments for Misdemeanors.

wagering
policies not
prevented
in England
until the 19
of Geo. 2d
C. 37.

Overbury, Walter Overbury, Richard Bogan and the said Allen Broderick, or by any of them, or by any other person or persons, who at any time then before had used, had or exercised the said office, for and concerning the said policies of assurance, intimation and renunciation, and the other premisses; and further the said late king, by his said letters patent, for himself, his heirs and successors, ordained and strictly commanded all persons whatsoever, as well his subjects as strangers, who within the royal Exchange aforesaid, or in any other place or places within his city of London aforesaid, should make or cause to be made, any manner of policy of assurance, intimation, renunciation or contract of assurance, either upon ships, goods or merchandize, or upon money taken upon the hazard or safe proceedings of any ship or ships, goods or merchandize, or of any other thing whatsoever, touching and concerning the same, and whereof any policy or contract should be made as aforesaid, that, from that time, the same should be made and registered by the said Allen Broderick, and his assigns, during the lives of the said Allen Broderick and William Broderick, and the life of him living the longest of them, or by his or their deputy or deputies, whom the said late king by the said letters patent, authorized and appointed to do and execute the same, and that every policy of assurance, contract of assurance, or intimation, or renunciation, which after the date of the said letters patent, should be made upon any ship or ships, goods or merchandizes, or any other the premisses, by any other person or persons, within the royal Exchange aforesaid, or in any other place or places within his city of London aforesaid, and not being made and registered by the said Allen Broderick and his assigns, or by his or their deputy or deputies as aforesaid, should be from that time void and of no effect; and further the said late king, by his letters patent aforesaid, for himself, his heirs and successors, did give and grant to the said Allen Broderick, his executors, administrators and assigns, the office of making and registering of all manner of policies of assurance, intimation and renunciation, and of all other things whatsoever, which should be made or done upon any ship or ships, goods, merchandizes or other thing or things, in the royal Exchange aforesaid, or in any other place or places within his city of London* aforesaid, by any person or persons whatsoever, of whatsoever nation, condition or quality, he or they might be, either going out or coming into this kingdom, or going or coming to any other place or places whatsoever, and did create, make, constitute and appoint the said Allen Broderick, his executors,

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executors, administrators and assigns, the makers and registers of all manner of policies of assurance, intimation and renunciation, and of the other premises aforesaid, to have, hold, occupy and enjoy the making and registering of all the said policies of assurance and assurances, intimations, and renunciations, and of the other premises to the said Allen Broderick, his executors, administrators and assigns, to be exercised himself, or themselves, or by his or their sufficient deputy or deputies immediately from and after the said office should become vacant, by the death of the said Allen Broderick and William Broderick, and the survivor of them, or by the surrender, forfeiture, or other determination of the said state and interest of the said Allen and his assigns of and in the said office aforesaid, above by the letters patent aforesaid, granted or mentioned to be granted to the said Allen and his assigns, for and during the lives of the said Allen and William, and for the life of him living the longest of them as aforesaid, for and during the term of 31 years, from that time next following, fully to be compleated and ended, together with such and the like fees, sums of money, duties and benefits whatsoever, as before that time were usually had, taken and received by the said E. O. W. O. R. B. and the said A. B. or by any of them, or by any other person or persons whatsoever, who for any time then before had used, had or exercised the said office, of and concerning the said policies of insurance, intimation and renunciation, and of the other premises. And further, the said late king, for himself, his heirs and successors, by the said letters patent, did ordain and strictly command all manner of persons whatsoever, as well his subjects as foreigners, who within the royal Exchange aforesaid, or in any other place or places within the city of London aforesaid, should make or cause to be made, any manner of assurance upon ships, goods or merchandize, or upon money taken upon the hazard or safe proceedings of any ship or ships, or of any goods or merchandizes, or of any other thing whatsoever, touching or concerning the same, and whereof any contract or policy should be made as aforesaid, that from thenceforth the same should be made and registered by the said Allen, his executors, administrators or assigns, or by his or their deputy or deputies, whom the said late king, by the said letters patent, authorized and appointed to do and execute the same; and that every policy of assurance, contract of assurance, intimation or renunciation, which should be made during the said term of 31 years, commencing as aforesaid upon any ship or ships, any goods, merchandizes, or other things, by any other person * or persons, within the royal Exchange aforesaid, or in any other place or places within his city of London aforesaid, not being made and registered by the said Allen Broderick, his executors, administrators

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or assigns, or by his or their deputy or deputies as aforesaid should be from thence void, and of no effect, as by the letters patent aforesaid, more fully appears; by virtue of which letters patent, the said Allen Broderick, of the said office of the making and registering of all manner of the said policies of assurance, intimation and renunciation, and of the other premisses, and of the entire interest thereof granted by the said letters patent, was seized and possessed, and the said Allen Broderick and his assigns, and his and their deputy and deputies of the said office, immediately after the making of the said letters patent, and continually afterwards, hath and have kept a publick and convenient office for the making and registering of all manner of policies of assurance, intimation and renunciation, and of all other things whatsoever, which could be made or done upon any ship or ships, or any goods, merchandizes, or other thing or things, in the royal Exchange, or in any other place or places, within the city of London, by any person or persons whatsoever, of whatsoever nation, condition or quality, he or they might be, either going out or coming into this kingdom, or going or coming into any other place or places whatsoever, and hath, and have, had, used and exercised, from the making of the said letters patent, and continually afterwards, until the day of the exhibition of this information, the said office of the making and registering of the said policies of assurance, intimation and renunciation, and of the other premisses aforesaid, to wit, at London aforesaid, in the parish of St. Bartholomew Exchange, in the ward of Broadstreet, London; And the said grant of the said office, and the state and interest thereof granted by the said letters patent, as yet is and remains in its full force and vigor; the said office by the said letters patent granted as yet continuing, and not being vacant, surrendered, forfeited, or in any other manner determined. And the said Attorney-general of the said lord the now king, for the said lord the king, further gives the court here to understand and to be informed, that Richard Russell of London, gent. J. Browne, of, &c. S. Baxter, of, &c. W. Jones of, &c. S. Lupton of, &c. well knowing, and each and every of them well knowing the said premisses, but being persons greedy of gain, and devising, practising, and among themselves conspiring and intending, and each and every of them devising, practising and intending to have the Royal prerogative of the lord the now king in contempt, and to derogate and diminish the same and to make the Royal Grant aforesaid, in the manner and form aforesaid made, vain, void, and of no effect; and the sooner to fulfil, perfect, and bring to effect their most wicked devices, practises and intentions aforesaid, in prosecution of their said conspiracy, he the said R. R. on the 12th day of March, in the 2d year of the
reign

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reign of our lord James the 2d, the now king of England, &c. with force and arms, &c. at London, to wit, in the parish of St. Bartholomew Exchange, in the * ward of Broad Street, London, of his own proper injury, and without any lawful authority, a certain other publick office for the making and registering of the said policies of assurance, intimation and renunciation, and of the other premisses, unlawfully did erect and keep, and that office, from the said 12th day, &c. in the year, &c. aforesaid, to the day of the exhibition of this information, to wit, the 9th day of November, in the year, &c. aforesaid, by himself and his servants, unjustly, and without the consent or licence of the said A. B. or his assigns, or his or their deputy or deputies, of his said office aforesaid, did continue and exercise, and within that time then and there, in his said office so erected, unlawfully and without the consent or licence of the said A. B. or his assigns, or his or their deputy or deputies, of his said office aforesaid, with force and arms, &c. divers policies of assurance, intimation and renunciation, to wit, 500 policies of assurance, 10 of intimation, and 20 of renunciation, did make and register, and the fees and profits for the making and registering of the said policies of assurance, intimation and renunciation, amounting to the sum of 500*l.* then and there did receive and have, and the said J. B. on the said 12th day, &c. in the year, &c. aforesaid, with force and arms, &c. at London aforesaid, in the parish and ward aforesaid, of his own proper injury and without any lawful warrant or authority, a certain other publick office for the making and registering of the said policies of assurance, intimation and renunciation, and of the other premisses aforesaid, unlawfully did erect and keep, and that office, from the said 12th day of, &c. in the year, &c. aforesaid, by himself and his servants, there unlawfully, and without the consent or licence of the said A. B. or his assigns, or of his or their deputy or deputies, of his said office aforesaid, did continue and exercise, and within that time then and there, in his said office so erected, unlawfully and without the licence or consent of the said A. B. or of his assigns, or of his or their deputy or deputies, of his said office aforesaid, with force and arms, &c. divers policies of assurance, intimation and renunciation, to wit, 500 policies of assurance, 10 of intimation, and 20 of renunciation, did make and register, and the fees and profits for the making and registering of the said policies of assurance, intimation and renunciation, amounting to the sum of 500*l.* then and there did receive and have; and the said S. B. W. J. and S. L. (*word for word as aforesaid, &c.*) in great contempt of the said lord the king, and of his laws, to the great damage and injury of his royal prerogative, and also to the

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great ruin and impoverishment of the said office by the said letters patent erected, and to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the now king, his crown and dignity, &c. Whereupon, &c.

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* The King against Gundrey.

Michaelmas, 3d. James the 2d.

Information
for pro-
curing an
infant to
levy a fine
of lands and
tenements,
whereof he
was seized
in fee, and
to declare the
uses to the
defendant.
and his heirs
to the pre-
judice of the
infant's her
at law, in
case he
should die
without
issue

Middlesex, **T**HAT one Robert Browne, esquire, on the 13th day of October, in the 2d year of the reign of our lord James by the grace of God of England, &c. king, &c. at Westminster, in the county of Middlesex, was and as yet is an infant within the age of 21 years, to wit, of the age of sixteen years, and then was seized in his demesne as of fee of, and in the manor of Nether Cerne, otherwise lower Cerne, Sampston, Crookeway, Notton Thorpe, otherwise Notton-Throope, and Bettiscombe, otherwise Bettoscombe, with the appurtenances, and of and in 100 Messuages, 34 Cottages, 40 Tofts, 3 Water-mills, 2 Tucking-mills, 1 Dove-cot, 130 Gardens, 60 Orchards, 2265 acres of land, 518 acres of meadow, 1516 acres of pasture, 180 acres of wood, 960 acres of Furze and Brush-wood, with the appurtenances in Nether C. otherwise lower C. F. C. N. T. &c. in the county of Dorset, of the clear yearly value of 2000l. and of and in 12 Messuages, &c. with the appurtenances in S. C. L. in the county of Somerset, of the clear yearly value of 500l. and that one John Williams, gent. then, to wit, on the 13th day of October, in the 2d year aforesaid, at Westminster, aforesaid, in the said county of Middlesex, was and as yet is the cousin, and the person next heir to the said Robert Browne, to wit, &c. to which John Williams, and his heirs, the manors, lands and tenements aforesaid, would descend, as of right then they ought to descend in case that the said Robert Browne, should die without issue of his body lawfully begotten, before that he would arrive at his age of 21 years, and that one Thomas Gundrey, of the Middle Temple, esquire, well knowing the premises, then and there, to wit, at Westminster, falsely, fraudulently

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fraudulently unlawfully and deceitfully, contriving practising, devising and intending, him the said John Williams, and his heirs, in case the said R. B. should die without issue of his body lawfully begotten, before that he would arrive at his age of 21 years, of the manors, lands and tenements aforesaid, unlawfully, injuriously and unduly to deprive, deceive, defraud and disinherit, and also of the avaricious mind and disposition of the said Thomas Gundrey, wickedly, subtilly and unjustly, desiring and intending, all and singular, the manors, lands and tenements aforesaid, to himself and to the proper use and benefit of the said T. G. and his heirs unduly to obtain and secure, and to execute, perfect and fulfil the wicked intentions of him, the said T. G. in that behalf, he the said T. G. afterwards, to wit, on the said 13th, day of October, in the 2d year, &c. aforesaid at Westminster, aforesaid, falsely and subtilly did pretend that he was the guardian of the said R. B. and that he had the government and disposition of the said R. B. and of his lands, and falsely, unlawfully, unjustly, wickedly, unduly, deceitfully, privily and secretly, then and there did advise, stir up, and persuade, the said R. B. then being as aforesaid, seized of the manor and tenements aforesaid, and then, and as yet there being an infant within the age of 21 years, to acknowledge and levy to the said T. G. while the said R. B. was an infant within the age of 21 years, two several fines in the court of the said lord the king of the bench, before the then justices of the said bench, containing and comprising in the said fines all and singular the manors and tenements aforesaid, and that for the cause and to the intentions aforesaid, and for the more quick, easy, and secret taking the acknowledging and the levying of the said fines, of the said manors and tenements, the said T. G. afterwards to wit, on the said 13th day of Oct. in the 2d year, &c. aforesaid, at Westminster, aforesaid, subtilly, unlawfully, fraudulently, unduly and deceitfully, privily and secretly, and in deceit of the court of Chancery of the said lord the king did procure and obtain out of the said court of Chancery, of the said lord the king at Westminster, aforesaid, a certain writ of the said lord the king of Dedimus Potestatem, sealed under his great seal of England, directed to one N. W. baronet, and to F. S. R. F. and T. G. persons by the said T. G. in that behalf named and appointed, by which writ of Dedimus Potestatem, the said lord the now king, reciting several writs, of covenant of the said lord the king between him the said T. G. and the said R. B. of the several manors and tenements aforesaid, in the said several writs of covenant, separately and respectively mentioned and described, falsely supposed and pretended to be then depending before the justices of the said lord the king of the bench aforesaid, to levy fines thereof between them, before the justices of the said lord the king,
of

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Indictments for Misdemeanors.

of the bench according to the law and custom of this kingdom of England, and that the said Robert was then so weak, that without great danger of his body he could not go to Westminster, at the days in the said writs contained to make the acknowledgment which was required in that behalf, did give to the said W. N. F. S. R. F. and T. G. or to two of them the power to receive the acknowledgement which the said R. B. was willing to make before them or two of them concerning the premises, and that afterwards to wit, on the 3d day of February, in the 2d year aforesaid, at Westminster, aforesaid, he the said T. G. craftily, fraudulently, unduly, deceitfully, privily and secretly did advise, stir up, cause and procure the said R. B. then as aforesaid, being seized of the manors and tenements aforesaid, and then and as yet there being an infant within the age of 21 years, to wit, being of the age of 16 years, to come before the said T. C. and R. F. dependants of the said T. G. and then and there mean and illiterate, persons, being suitable persons for such an affair to acknowledge a certain note or abstract of the said fines of the manors and tenements aforesaid, by him the said R. B. to him the said T. G. so as aforesaid, craftily devised to be levied, which note or abstract the said T. G. then and there in that behalf for the occasion aforesaid, had caused and procured to be written and engrossed in parchment, and that thereupon the said R. B. being an infant within the age of 21 years as aforesaid, and by the subtilties and fair speeches of the said T. G. in that behalf being moved, stirred up and seduced by the procurement of the said T. G. afterwards to wit, on the said 3d day of February now last past at Westminster, did come before the said F. R. and T. C. dependants of the said T. G. and mean and illiterate persons, and suitable persons for such an affair, * and then and there did acknowledge the said note or abstract of the said fines, of the said manors and tenements aforesaid, by him the said R. B. while he was within age, to him the said T. G. so as aforesaid, subtilly designed to be levied, and that thereupon the said T. G. afterwards to wit, on the said 3d day of February, in the second year, &c. aforesaid, at Westminster aforesaid, falsely, subtilly, deceitfully, fraudulently and unduly did cause and procure the said note or abstract of the said fines by him the said R. B. so as aforesaid, unduly acknowledged, and the said acknowledgment thereof made and taken with and upon the said writ of *Dedimus Potestatem*, to be returned, certified and recorded in the said court of the said lord the king of the bench aforesaid, at Westminster, with intention that thereupon the said fines, in the said court might be recorded and levied, of the manors and tenements aforesaid, while the said R. B. was within the age of 21 years, and that thereupon the said T. G. afterwards to wit, in the term of St Hilary, now last past, at Westminster aforesaid, falsely, un-

Indictments for Misdemeanors.

lawfully, fraudulently, unjustly, craftily, unduly, deceitfully, privily and secretly, by fraud, practise and covin, and against the course and custom of the said court of the said lord the king of the bench aforesaid, and in deceit of the said court did cause and procure the said fines between him the said T. G. complainant and the said R. B. deforciant of the manors and tenements aforesaid, to be ingrossed, perfected and recorded in the said court of the said lord the king of the bench at Westminster, before the then justices of the said lord the king of the said bench, while the said R. B. was within the age of 21 years, as if the said R. B. was a person of the full age of 21 years, the said T. G. then and there craftily and fraudulently concealing the true age of the said R. B. from the knowledge of the said court, and from the justices of the said court, and that by the said fines in the said court, between the said T. G. complainant, and the said R. B. deforciant, of the said manors and tenements, as aforesaid, had and levied, he the said R. B. while he was within the age of 21 years, did acknowledge the manors and tenements aforesaid, with the appurtenances, to be the right of the said T. G. as those which the said T. G. had of the gift of the said R. B. and those, he did remise and quit claim from himself and his heirs, to the said Thomas G. and his heirs for ever, and that by the said fines of the manors and tenements aforesaid, in the court aforesaid, in the form aforesaid, unduly acknowledged, levied, had, and recorded, and by the uses thereof, by the procurement of the said T. G. then and there by him the said R. B. while he was within the age of 21 years aforesaid, declared, the said John Williams, and his heirs, were, and are in danger of being disinherited, deprived, deceived and defrauded of all, and singular the manors, lands and tenements aforesaid, in case the said R. B. should happen to die without issue of his body, lawfully begotten, before the said R. B. would arrive at his age of 21 years, and the said T. G. and his heirs, would have and hold all and singular the manors, lands and tenements aforesaid, to the use of the said T. G. and his heirs for ever, in contempt of the said lord the now king and of his laws, of this kingdom of England, to the great damage and deceit of the said John Williams and his heirs, to the evil example, &c. &c. &c.

* P. 261

* The King *against* Walker.

To wit. **T**HE jurors, &c. present, that whereas in the term of St. Michael, in the year of our lord 1655, one William Walker, of Charter-House, haydon, in the county of Somerset, esquire, exhibited his bill of complaint

Indictment
against a
counsellor,
for betray-

ing
his clients
cause and
taking fees
of the other
in side,

Indisements for Misdemeanors.

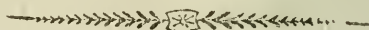
in the high court of Chancery, the said court then being held at Westminster, in the county of Middlesex, against Theodore Langrish, Joyse, his wife, Robert May and others, and among other things in and by the said bill, prayed remedy and relief of and concerning a certain statute of the penalty of two thousand eight hundred pounds, in and by the said bill, supposed to be before that time acknowledged by one Clement Walker, the father of the said William Walker, to one Christopher May, deceased, upon which statute it was alledged by the said bill that the said Joyse, as the administratrix of Robert May, her father, deceased, claimed and demanded the sum of 600*l.* altho the said sum of 600*l.* was fully satisfied and paid as by the bill aforesaid, in the said high court of Chancery assiled more fully appeareth; and whereas also the said Theodore Langrish, and Joyse his wife, in the said court of Chancery, held at Westminster aforesaid, in the said county of Middlesex, put in their answer to the said bill, and by their said answer to the said bill among other things, denied that they or either of them had received any part of the said sum of 600*l.* as by the said answer of the said T. Langrish, and J. his wife in the court of Chancery aforesaid assiled more fully appeareth; and whereas also the said cause, from the said term of St. Michael, in the year of our lord 1655, unto the term of St. Michael, in the 17th year of the reign of our lord Charles the 2d, of England, &c. king, &c. in the high court of Chancery aforesaid, depended undetermined; and whereas also, the said Theodore Langrish, on the 1st. day of May, 1668, died, and whereas also, the said William Walker, on the 16th day of May, in the 17th year, &c. aforesaid, and at divers other days and times as well before as after, (during the pendency of the said cause) at London, to wit, in the parish, &c. retained one John Walker, of London, esquire, being an apprentice of the law, to be of council with the said William Walker, in the said cause, against the said Joyse, Langrish, and Robert May, and divers sums of money, to the said John Walker, gave and paid as fees for giving good, faithful, and salutary council to the said William Waker, in the said cause, and he the said William Waker, trusting and confiding in the honesty, integrity, sincerity and candour of the said John Walker, in the said cause, he the said William Walker, declared and made known to the said John Waker, all and singular the secret matters and circumstances, touching and concerning the said cause, nevertheless the said John Walker, late of London, afterwards to wit, on the said 16th day of May, in the 17th year, &c. aforesaid, and at divers other days and times, as well before as after at London, to wit, in the parish, &c. and at other places in the city of London aforesaid, falsely, secretly, clandestinely, corruptly, subtilly, deceitfully, unjustly, wickedly

Indictments for Misdemeanors.

and for the sake of wicked gain, did receive and have of and from the said Joyse Langrish and Robert May, and of the attornies and sollicitors of the said Joyse Langrish and Robert May, divers sums of money as fees, to give council to the said Joyse Langrish and Robert May against the said William Walker, his said client in the said cause, and then and there, and at the said other days and times, as well before as after, falsely, secretly, clandestinely, corruptly, subtilly, wickedly and for the sake of wicked gain, did betray, relate and disclose, to the said Joyse Langrish and Robert May, the secret matters and circumstances of the said cause, by the said William Walker, on behalf of the said William Walker, to the said John Walker, trusted faithfully to be concealed, and not to be revealed to the said Joyse Langrish and Robert May or to either of them, or to the attornies or sollicitors of the said Joyse Langrish and Robert May, altho on the 16th day of May, in the 17th year, &c. aforesaid, and on the said days and times as well before as after being as aforesaid, retained of council with the said William Walker, and having and receiving from the said William Walker, divers sums of money as fees to give good and faithful council to the said W. Walker, in the said cause against the said Joyse Langrish and Robert May, and then and there and at the said other days and times, falsely, subtilly and deceitfully promising and affirming to the said William Walker, that he the said John would give to the said William good and faithful council in the said cause according to the best experience, study and learning of him the said John in the law, and that he would faithfully conceal the secrets and matters of the said William Walker, in the said cause and would not reveal them to the said Joyse Langrish and Robert May, to the great scandal and abuse of justice, to the manifest injury of the laws of this kingdom of England, to the evil example, &c. and against the peace of the said lord the now king his crown and dignity, &c.

*P 263.

* 2. *Against Statutes.*



Fowler *against* Alsop.

Trinity, 1650.

Information
on the 33
H. 8th. a-
gainst a
vintner for
keeping un-
lawful
games in
his house;
exhibited to
a judge of
the common
pleas in
vacation.

Middlesex, **BE** it remembered that E. A. one of the justices To wit. **B** of the common Bench here, on the 14th day of June, in this same term, with his own proper hands delivered here, a certain information before him, on the 4th day of June last past, by one B. E. who as well for the keepers of the liberties of England, by the authority of Parliament, as for himself prosecutes against one R. A. exhibited, and in the court here to be enrolled, the tenor of which information follows in these words, To the justices of the common bench, *Middlesex*, to wit, Be it remembered that Bartholomew Fowler, who as well for the keepers of the liberties of England, by the authority of parliament, as for himself, in this behalf prosecutes, cometh before E. A. one of the justices of the common bench, on the 4th day of June, in the year of our Lord 1650, in his proper person, and as well for the said keepers, as for himself, gives the said justices to understand and to be informed, that one R. Alsop, late of the parish of St. Clement-danes, in the said county, vintner, after the feast of St. John the baptist, in the 33d year of the reign of the lord Henry the 8th, late king of England, to wit, on the 28th day of February, in the year of our Lord 1649, and continually afterwards, for the space of 60 days then next following, at the parish of St. C. D. in the said county, for the advantage and gain of the said R. A. did keep, have, hold and maintain, one common gaming-house, for tables and cards, and for a certain other un-
lawful

Against Statutes.

lawful game called billiards, otherwise billyards, and the said unlawful games, for the whole time aforesaid, in his mansion-house, situate in the parish of St. Clement-danes, aforesaid, did permit to be held, played and gamed, against the form of the statute of the said 33d year of the said lord the king Henry the 8th, in such case made and provided, whereby the said R. A. hath forfeited the sum of 120*l*. of the lawful money of England, to wit, for every day of the said 60 days, in which the said R. A. so as aforesaid the said common gaming-house did keep and maintain, against the form of the said statute, 4*rs*. in the whole, amounting according to that rate to the said sum of 120*l*. wherefore the said B. F. as well for the said keepers of the liberties of England, by the authority of parliament, as for himself prays the consideration of the court here in the premisses, and that he the said B. F. may have the moiety of the said forfeiture, according to the form of the said statute, and also that the said R. A. may come here into court, to answer as well to the said keepers, &c. as to the said B. F. who as well, &c. in and upon the premisses, &c.

* The King *against* Plym.

* P. 264

Michaelmas, 29th Charles 2d.

London, THAT John Plym, late of the parish of Egham, To wit, **I** in the county of Surrey, Yeoman, otherwise called John Plumbe, late of the parish aforesaid, in the county aforesaid, Yeoman, who on the 12th day of January, in the 5th year of the reign of the lady Elizabeth, late queen of England, &c. did not lawfully use or exercise any art, mystery or manual occupation, nevertheless the said J. P. otherwise J. P. afterwards, to wit, on the 1st day of February, in the 29th year of the reign of our lord Charles the 2d, of England, &c. King, &c. and continually afterwards, until the day of the taking of this inquisition, to wit, for the space of two whole months and more, at London, to wit, in the parish of St. Faith, in the ward of C. London, did set up, use and exercise the art, mystery or manual occupation of a fruiterer, Indictment against a fruiterer for exercising that trade, not having been apprentice to it 7 years, against the stat. 5th Eliz.

S f 2 being

Against Statutes

being an art, mystery or occupation used within this kingdom of England, on the said 12th day of January, in the 5th year of the reign of the said lady Elizabeth, late queen, &c. aforesaid, in which art, mystery or manual occupation of a fruiterer, he the said J. P. otherwise J. P. was not educated for the space of 7 years as an apprentice, against the form of the statute in such case made and provided, and against the peace of the said lord the now king, his crown and dignity, &c. &c. &c.

To this indictment Pollexfen demurred, and the court seemed strongly of opinion, that a fruiterer is not a trade within the statute of the 5th of queen Elizabeth; but no judgement. The case is reported 1 Ventris 326, 346, 2 Lev. 206, 3 Keble, 816. 843.

The King against Pyne.

Michaelmas, 27th Charles 2d.

Indictment
against a
gentleman
for refusing
to receive an
apprentice,
bound to
him by the
oversers of
the poor and
church warden-
s, with the
consent
of 2 justices
of the peace
pursuant to
the statute.

*P. 265.

Somerset, } **T**HAT George Powel, Robert Sheppard,
To wit. } Michael Potter and William Lascombe,
on the 27th day of October, in the 26th year of the reign
of our lord Charles the 2d, of England, &c. king, &c.
then and as yet being overseers of the poor of the parish
of North-currey, in the county of Somerset, Arthur Wea-
ver and John Smith, on the day and year aforesaid, then
being church wardens of the parish of North-currey afore-
said, in the county aforesaid, in the due manner nominated
and appointed, with the consent of Robert Hawles and
Edward Court, Esquires, two of the justices of the said
lord the king, assigned to preserve the peace in the said
county, and also to hear and determine divers felonies,
trespasses and other *misdemeanors, in the said county perpe-
trated, one of them being and inhabiting nigh the parish
of N. C. aforesaid, in the said county, according to the
form of the statute in that behalf made and provided, by
indenture bearing date the said day and year, did bind one
Joan Randall, Spinster, one of the poor of the parish of
N. C. aforesaid, apprentice to one John Pyne, of Currey
mallet, in the said county, esquire, in respect of a certain
indentment

Against Statutes.

tenement and farm, of him the said J. P. at North Currey aforesaid, in the said county, and afterwards to wit, on the 27th day of October, in the year aforesaid, in the due form of law, did deliver the said Joan Randall, to the said John Pyne, with one part of the said indenture, nevertheless the said John Pyne, not being ignorant of the said premisses, afterwards to wit, on the said 27th day of October, in the year aforesaid, and always afterwards, until the taking of this inquisition, then and as yet being an occupier of the tenement and farm aforesaid, with force and arms, &c. at N. C. aforesaid, unlawfully and contemptuously, then and there, entirely hath refused and denied to receive the said J. R. as his apprentice, or in any manner to provide for her, although thereto he was often requested in the due manner; in contempt of the said lord the now king, against the peace of the said lord the now king, his crown and dignity, &c. against the form of the statute, in such case thereupon lately made and provided, &c. &c.

After conference between all the judges of England, (who declared their opinion, that the overseers could not force an apprentice on any one who did not personally occupy husbandry) this indictment was quashed. It is reported 3d Keble, 516, 620, 636, 686, 854, and Shower, 193.

The King against Baxter.

To wit. **B**E it remembered that at the assizes holden for the county of Surrey, at Kingston, upon Thames, in the said county, on Thursday, the 28th day of July, in the 35 year of the reign of our lord Charles the 2d by the grace of God of England, &c. king, &c. before Francis Pemberton, knight, chief justice of the said lord king of the bench, and Edward Atkyns, knight, one of the barons of the Exchequer of the said lord the king, justices of our said lord the king, assigned to take assizes in the said county of Surrey, by the form of the statute, &c. by the oath of Christopher Buckle of B. knight, and 16 others, good and lawful men of the said county, then and there sworn and charged to enquire for the said lord the king and for the body of the said county, it is presented that

Information
for taking a
young wo-
man out of
the custody
of her guar-
dian, against
the statute,
4 and 5, Phil.
and Mary,
c. 8.

Nicholas

Against Statutes.

* P. 266

Nicholas Baxter of Hascombe in the county of Surrey, Blacksmith, E. L. of &c. A. L. of &c. J. B. of &c. E. B. of &c. and J. C. of &c. on the 29th day of January, in the 34 year of the reign of our lord Charles the 2d of England, &c. king, &c. being and each and every of them being above the age of 14 years, to wit, of the age of 21 years, afterwards to wit, on the said 29th day of January, in the 34th year, afore-
said, with force and arms, &c. at the parish of Bramley in the county of Surrey, afore-
said, in and upon one Ann Stillwell, a maiden * unmarried, then being within the age of sixteen years, to wit, of the age of eleven years and nine months, and daughter and heir of one James Stillwell, deceased, who hath left to the said Ann, lands and tenements in the said county, of the clear yearly value of 100l. above reprisals, did make an assault, (she the said A. S. then and there being in the possession of one R. E. her grand father,) and her the said A. S. then and there, out of and from the possession and against the will of the said R. E. the grand father of the said A. S. who then and there, by lawful ways and means, had the disposition, wardship, education and governance, of the said A. S. unlawfully did take and convey away, with intention to marry the said A. S. to the said N. B. and her the said A. S. from the said 29th day of January, in the 34th year, afore-
said, to the 31st day of the said month of January, in the 35th year, &c. at the parish of B. afore-
said, and elsewhere, in the said county, with force and arms, &c. out of and from the possession and against the will of the said R. E. the grand father, of the said A. S. unlawfully and unjustly, did detain, in contempt of the said lord the king and of his laws, to the great affliction of the said R. E. against the form of the statute, in such case made and provided, and against the peace of the said lord the now king, his crown and dignity, &c. whereupon the sheriff of the said county, is commanded that he do not omit, &c. but that he cause them to come to answer &c. And now to wit, at the said assizes held for the said county at Kingston, upon Thames, afore-
said, in the county afore-
said, on the said Thursday, the 26th day of July, in the 35th year, &c. afore-
said, before the said justices, come the said N. B. &c. according to certain recognizances by them, and by their bail in this behalf before acknowledged, in their proper persons, and having heard the indictment afore-
said, severally say, that they are not guilty thereof, and of this severally put themselves upon the country, and Eldred Lancelot Lee, esquire, clerk of the assizes for the said county, who for the said lord the king in this behalf prosecutes, doth the like, and therefore, by the consent of the said N. B. &c. let a jury come there-
upon immediately, &c. and the jurors of that jury by Anthony Rawlins, esquire, sheriff of the said county, for this purpose impanelled;

Venire awarded against defendants who appear upon their recognizance and plead not guilty.

By consent of defendants, Venire fac. jur. awarded returnable immediately and thereupon, they are found guilty.

Against Statutes.

impanelled, to wit, W. Y. and eleven others, being called, come who being elected tried and sworn to speak the truth of and concerning the premisses, say upon their oath, that the said N. B. E. L. A. L. J. B. E. B. and J. C. are guilty and each and every of them is guilty of the trespass and contempt aforesaid, in the indictment specified to them above severally charged in the manner and form as by the said indictment, above against them is supposed, whereupon all and singular the premisses, being seen and by the court here fully understood, it is considered by the court, here that the said N. B. E. L. A. L. J. B. E. B. and J. C. shall have and undergo the imprisonment of their bodies, and each and every of them shall have and undergo the imprisonment of his and her body for the space of two whole years, without bail and mainprize according to the form of the statute, in such case made and provided by occasion of the trespass, contempt and offence aforesaid, whereof as aforesaid, they are convicted and each and every of them is convicted, and that they be taken, and that each and every of them be taken, &c. and the said N. B. E. L. A. L. J. B. E. B. and J. C. present here in court are committed, and each and every of them is committed to the goal of the said lord the king of the said county, there to remain under the custody of the sheriff of the county aforesaid, in the said goal safely to be kept for the space of two whole years, without bail or mainprize according to the form of the statute aforesaid, for the trespasses, contempts and offences aforesaid, &c. &c.

Judgement
of imprisonment
for 2
years with-
out bail or
mainprize

commit-
ment by the
court.

* The King against Fenton and others,

* P. 267

Trinity, 27th Charles 2d.

Essex, **T**HAT William Fenton, of the parish of Halstead, To wit. **I**n the county aforesaid, yeoman, W. R. of &c. J. C. of &c. J. F. of &c. N. H. of &c. and J. A. of &c. on the 10th day of March, in the 26th year of the reign of our lord Charles 2d, by the grace of God of England, &c. king, &c. were and each and every of them was of the age of 16 years and more, from the said 10th day of March, in the year

Information
against 6 de-
fendants for
not coming
to church,
&c. upon
the statutes
23 & 25
Elix.

Venire awarded.

Five defendants appear and plead that they did not forbear, &c.

Repliation as to three defendants.

* P. 268

year aforesaid, did not repair, nor did any of them repair to his or their parochial church or churches, nor to any other church, chapel, or usual place of publick prayer, nor were they nor was any of them there at the time of publick prayer, at any time within the space of eleven whole months, next following the said 10th day of March, in the year aforesaid, but they have forborne, and each and every of them hath forborne to go to the same from the said 10th day of March, in the year aforesaid, for the said space of eleven months, from thence next ensuing, without any reasonable cause, to wit, at Halstead, aforesaid, against the form of the statute in such case made and provided, and also against the peace of the said lord the now king, his crown and dignity, &c. whereupon the said coroner and attorney of the said lord the king, for the said lord the king, prays the consideration, &c. whereupon the sheriff of the said county, is commanded that he do not omit, &c. but that he cause them to come to answer, &c. And now to wit, on the Friday next after the morrow, of the Holy Trinity, in this same term, before the lord the king at Westminster, come the said W. F. W. R. J. F. N. H. and J. A. by P. W. their attorney, and pray oyer of the said information, and it is read to them, which being had and by them heard and understood they the said W. W. J. N. and J. complain that they are grievously vexed and disquieted, under colour of the said information, and this not justly, because they say that they the said W. W. J. N. and J. have not forborne, nor hath any of them forborne to go to their or his parish church, or usual place of publick prayer for the space of the said eleven months, in the said information above mentioned or for the space of any one month thereof, against the form of the said statute, as by the said information above is supposed, and this they are ready to verify, as the court, &c. wherefore they pray judgement, and that they from the premisses by the court here may be dismissed, &c. And T. Fanshawe, knight, coroner and attorney, of the said lord the king, in the court of the said lord the king, before the king himself, who for the said lord the king in this behalf prosecutes, having heard the said plea by the said W. F. W. R. J. F. N. H. and J. A. in the manner and form aforesaid, above pleaded, saith that the said lord the king, by any thing by the said W. W. J. N. and J. above by pleading alledged, ought not to be precluded from the information aforesaid, against them, because he saith that they said W. F. W. R. and J. F. at the parish of H. aforesaid, have* forborne and each and every of them hath forborne to go to their or his parochial church or churches, and to any other church, chapel or usual place of publick prayer, for the space of the said eleven months in the said information, above mentioned, or of some one month thereof, against the form of the said statute, as by the said information above, against them is supposed,

ed,

Against Statutes.

ed, and this the said coroner and attorney, of the said lord the king, prays may be enquired of by the country; and the said W. F. W. R. and J. F. do the like. Therefore let a jury come thereupon from the day of the Holy Trinity, in three weeks, before the said lord the king, wheresoever, &c. and who neither, &c. by whom, &c. to recognise, &c. because as well, &c. the same day is given as well to the said T. Fanshaw, knight, who prosecutes, &c. as to the said W. R. W. F. and J. F. &c. at which three weeks from the day of the Holy Trinity, before the said lord the king at Westminster, come as well the said T. Fanshaw, knight, who prosecutes, &c. as the said W. F. W. R. and J. F. by their attorney, aforesaid, and the sheriff, returns the names of 12 jurors, of whom none, &c. Therefore the sheriff of the said county is commanded that he do not omit, &c. but that he distrain them by all their lands and tenements, &c. and that of the issues, &c. and that he have their bodies before the said lord the king, from the day of St. Michael, in three weeks wheresoever, &c. or before the justices of the said lord the king, assigned to take assizes in the said county of Essex, if first on Monday the 12th day of July, at Chelmsford, in the said county, &c. &c.

Venire facias

Distringas,

nisi prius

Information against six, five appear and plead, the coroner and attorney, replies only to three, without any continuance as to the other two, this held no discontinuance, because the offences are several, and a Nolle prosequi as to the other two saves all, (which may be entered at any time Quod nota) and afterwards the party informed before doctor Stillingsfleet, and this held as well as if done before the bishop of the diocese, he approving it afterwards. This case is reported, 3 Keble, 527, 535, 545, 543, 610.

The King against Smith.

Michachmas, 26th Charles 2d.

Surrey. } **T**HAT John Smith, of Trinity Minories, in the parish of Aldgate without, in the county of Middlesex, Mealman, on the 10th day of July, in the 25th year of the reign of our lord Charles the 2d, of England, &c. at the town of Farnham, in the county of Surrey, king, &c. for buying unground corn by a bushel not being Wint unlawfully cheater mea-

T t

Against Statutes.

fore against the form of the statute. unlawfully and unjustly did buy corn, to wit, 5 quarters of unground wheat, of the value of nine pounds by a certain bushel, not agreeing with the standard, marked in the Exchequer of the lord the king, commonly called Winchester measure, containing eight gallons to the bushel, in great deceit of the subjects of the said lord the king, against the form of the statute * made and provided, and also against the peace of the said lord the now king his crown and dignity, &c. with this that the said coroner and attorney, of the said lord the king will verify that wheat on the 10th day of July, in the year aforesaid, and also from the time whereof the memory of man is not to the contrary, was used to be bought, and yet is bought, by the bushel as well in the parish aforesaid, as in all the rest of this kingdom of England, whereupon the said coroner, &c. &c.

* P. 269

The King against Farmer.

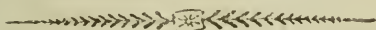
Michaelmas, 26th Charles 2d.

Information for usury.

Surrey. **T**HAT Thomas Farmer, late of the parish of St. George, Southwark in the county of Surrey, aforesaid, gent. on the 1st day of July, in the 26th year of the reign of our lord Charles the 2d, by the grace of God of England, &c. king, &c. at the parish, &c. aforesaid, in the said county of Surrey, unlawfully and unjustly, did take, have and receive by deceitful ways and means and by covin of one Mark Hinch, the sum of 80 shillings, of the lawful money of England, of the monies of the said M. H. to wit, 20 shillings for every quarter of one year for the forbearance and giving day of payment of the sum of 6l. of the monies of the said T. F. by him the said T. F. lent and forbore to the said M. H. from the 1st day of July, in the 25th year of the reign of our said lord Charles the 2d king, &c. until the said 1st day of July, in the year aforesaid, being over the sum and above the rate of 6l. for the loan and forbearance of 100l. for one year, against the form of the statute, in such case made and provided, and against the peace of the said lord the now king his crown and dignity, &c. whereupon, &c. &c.

Traverses,

Traverſes, Pleadings and other Proceedings on Indictments and Informations.



A. B. at the Suit of the Lord the King.

To wit. **A**ND now to wit, on the Monday next after the
octave of St. Hilary, in this ſame term before
the lord the king at Weſtminſter, come the ſaid A. B. by W.
J. his attorney, and having heard the indictment aforeſaid,
ſaith that he doth not apprehend that the ſaid lord the now king
will any further impeach or trouble him for the occaſion of
the premiſſes, becauſe he ſaith that the ſaid W. B. * on the
ſaid time when, &c. at the ſaid pariſh of St. Dunſtan, in the
county aforeſaid, with force and arms, &c. in and upon the
ſaid A. in the peace of God, and of the ſaid lord the king,
then and there being, did make an aſſault and affray, and him
the ſaid A. then and there would have beaten, wounded and
ill treated, unleſs he the ſaid A. immediately in that behalf
had defended himſelf againſt the ſaid W. whereupon the ſaid
A. then and there, himſelf, then and there againſt the ſaid
W. did defend, and if any damage happened to the ſaid W.
it was from the proper aſſault of the ſaid W. and in the de-
fence of the ſaid A. which is the ſame aſſault, affray, beating,
wounding, and ill treating, in the indictment aforeſaid ſpeci-
fied, and this he is ready to verify, whereupon he prays judg-
ment if he ought any further to be impeached, or troubled
by occaſion of the premiſſes.

Son aſſault
demefine
pleaded to
an indict-
ment for aſ-
ſault and
battery.

* P. 27C.

*Quære if this can be pleaded to an indictment. vide caſes 2d and
3d Ann 172, where it is ſaid by Holt, chief juſtice, that it cannot be
pleaded, but may be given in evidence, and that thereupon the party
muſt be acquitted.*

To wit. **A**ND having heard the indictment aforeſaid, ſaith
that he doth not apprehend that the ſaid lord the
now king will or ought impeach or trouble him the ſaid J.
Special d
murrer to
an indict-
ment for

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that it doth not appear by the indictment on what certain day, year & place the offence was committed.

any further concerning the premiſſes, becauſe he ſaith that the indictment aforeſaid is not ſufficient in law to compel the ſaid J. to answer to that indictment, and that by the law of the land, no proceſs ought to be made againſt the ſaid J. upon the ſaid indictment, for this becauſe that it doth not appear by the ſaid indictment in certain on what certain day, year and place the ſaid offence in the indictment aforeſaid, by the ſaid D. ſuppoſed to be done, was committed, as by the law of the land, ought to be made, wherefore for the inſufficiency of the ſame he prays judgment, and that he by the court here may be diſmiſſed of and from the premiſſes, &c. whereupon all and ſingular the premiſſes being ſeen and by the court here fully underſtood, &c.

Judgment for the defendant.

The King againſt Butler.

Plea to an inquisition — that the defendant delivered a deed, found by the inquisition to be in his hands, to the royal patentee."

* P. 271.

To wit. **A**ND the ſaid J. Butler, cometh by J. H. his attorney, and having had oyer of the information aforeſaid, ſaith that he doth not apprehend that the ſaid lord the king, will impeach him for occaſion of the premiſſes, becauſe he ſaith, that before the death of the ſaid J. J. the ſaid lady Elizabeth, late queen of England, by her letters patent made under her great ſeal of England, bearing date at Greenwich, the 25th day of July, in the 39th year of her reign, which the ſaid J. B. brings here into court, granted to William Pagett, then eſquire, afterwards lord William Pagett, all deedands within the manor of Longden aforeſaid, to have and to hold to the ſaid Wm. Pagett, * and his heirs, by virtue of which grant the ſaid William was ſeized of the ſaid franchise, of having and taking to his own proper uſe all deedands within the manor aforeſaid, as of fee and right, and ſo being ſeized thereof, the ſaid W. P. afterwards to wit, on the 1ſt day of March, in the 3d year of the reign of the lord Charles the 1ſt late king of England, at L. aforeſaid, died, ſo ſeized thereof, after whoſe death the ſaid franchises deſcended to the ſaid Wm. lord P. in the inquisition aforeſaid, named as the ſon and heir of the ſaid W. P. deceased, whereby the ſaid William lord P. the ſon was and as yet is ſeized of all

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all the ſaid franchiſes of having and taking to his own proper uſe all deodands within the ſaid manor, whereupon the ſaid J. B. after the taking of the ſaid inquisition to wit, on the 1ſt day of May, in the 20th year aforeſaid, at the manor aforeſaid, the ſaid oak to the ſaid William lord P. the ſon did deliver and the ſaid William lord P. the ſon, the ſaid oak then and there from the ſaid J. B. had and received, and this he is ready to verify, whereupon he prays judgment and that he of and from the premiſſes by the court here may be diſmiſſed, &c. &c.

E. S.

The King *againſt* D.

AND the ſaid D. cometh by J. his attorney, and having heard the indictment aforeſaid, ſaith, he doth not apprehend that the ſaid lord the king, will impeach him for occaſion of the premiſſes, becauſe he ſaith that the ſaid aſſault, beating and wounding and ill treating, were done out of the jurisdiction of the juſtices of the peace, &c. to wit, at Lambeth in the county of Surrey aforeſaid, without this that the ſaid aſſault, &c. was done within the jurisdiction of the ſaid juſtices of the peace, &c. as by the ſaid indictment above is ſuppoſed, and this he is ready to verify, wherefore he prays judgment, and that he of and from the premiſſes by the court here, may be diſmiſſed, &c.

Plea to an indictment at the ſeſſions of the peace that the fact was committed out of the jurisdiction of the juſtices of the peace.

Edward Saunders.

Quære of this plea, for it ſeems only to amount to the general iſſue.

The Queen *againſt* Arundell.

Trinity, 30th Elizabeth.

Middleſex, } **T**HAT he cauſe to come 12, &c. of the neighbourhood of the city of Weſtminſter, in the county aforeſaid, and who are in no wiſe of kin to John Arundell, late of Quarnack, in the county of Cornwall, eſquire, otherwiſe called, &c. to recogniſe, &c. if the ſaid John Arundell,

Venire faci-
as awarded,
de vicineto
Civitatis
Weſtm'

Traverses, Pleadings and other Proceedings, &c:

Arundell, is guilty of a certain felony and murder, whereof he is indicted or not, because, &c. the same day is given to the said J. Arundell, * under the custody of the marshall in the meantime committed, &c. At which day the sheriff returns the writ with the panel of whom none, &c. therefore, &c. that he distrain the jurors, &c. on the Saturday, after 15 days of the Holy Trinity, &c. at which day comes the said J. Arundell, under the custody of the said marshall, and the jurors being called come, who being elected, tried, sworn and charged to speak the truth of and concerning the premisses, say upon their oath, that the said J. A. is guilty of the felony and murder aforesaid, and that he had no goods and chattels, &c. and he is recommitted to the said marshall, &c. and thereupon the court will advise to the octave of St. Michael, &c. at which day the said continuance by the writ of the lady the Queen, of common adjournment was adjourned, from the day of St. Michael, for one month, before the lady the Queen, &c. at which day, because that the writ of venire facias was awarded to the city of Westminster, whereas it ought to be awarded to the parish of St. Margaret, Westminster, in the county aforesaid, for the trial of the issue in that behalf joined, therefore judgment is given that the verdict aforesaid, in the form aforesaid, given, be taken and held for nothing; and that the said J. A. of that verdict may go thence without day, &c. whereupon Edward Coke, esquire, attorney general of the said lady the Queen, for the said lady the Queen prays another writ of venire facias, anew for the trial of the said issue of the neighbourhood of the parish of St. Margaret, Westminster, aforesaid, in the county aforesaid, and it is granted to him, &c. therefore, &c. that the sheriff cause to come anew on the Tuesday next after the morrow of the purification, &c. at which day, &c. and the sheriff of, &c. returns the writ with the panel, &c. therefore, &c. that he distrain, &c. on the Monday next after the octave of the purification, &c. At which day the jurors being called, certain of them come, and certain of them do not come as appears by the panel, and certain of those jurors appearing are sworn upon that jury, and certain of them in like manner appearing, because that they by the said John Arundell, are peremptorily challenged, are entirely withdrawn from the said panel, as appears in the said panel, &c. whereby that jury at that day for the default of jurors remains to be taken, &c. therefore, &c. that he distrain, &c. on Monday after 3 weeks of Easter, &c. and that he add 20 such as those removed, &c. the same day is given to the said John Arundell, under the custody of the said marshall, in the mean time committed, &c. at which day comes the said J. Arundell, in his proper person under the custody of the said marshall, and the jurors of the said jury being called in like manner come, who being elected, tried

and

* P. 272

Distringas
awarded.

Curia ad-
vise.

Writ of ad-
journalment.

Verdict
qualified.

Venire de
novo.

Some of the
jury appear,
others make
default.

Challenge.

Remanet.

Distringas
awarded
with 20
such, &c.

Jury appear.

Traverfes, Pleadings and other Proceedings, &c.

and sworn to ſpeak the truth of and concerning the premiſſes, And find de-
ſay upon their oath that the ſaid John Arundell is not guilty ſendant not
of the felony and murder aforeſaid, to him above charged, guilty of the
and that he never fled for the occaſion of the ſame. But the murder, but
ſaid jurors further ſay upon their oath, that the ſaid J. A. is guilty of
guilty of the felony and manſlaughter, &c. and that he hath man ſlaugh-
no goods nor chattels, lands nor tenements, &c. therefore it is ter.
conſidered that the ſaid J. A. as to the felony and murder
aforeſaid, go quit thereof, &c. whereupon for divers cauſes
the court of the ſaid lady the queen, then ſpecially moving the
ſaid J. A. is recommitted to the marſhall, &c. and afterwards
to wit, on Friday, after fifteen days of the Holy Trinity,
comes the ſaid John Arundell, under the cuſtody of the ſaid
marſhall, in his proper perſon, and as to the felony and man- Defendant
ſlaughter aforeſaid, hath pleaded the act of parliament of ge- prays the
neral pardon of the 35th year of the ſaid lady the queen, and benefit of
prays the allowance thereof, &c. and Edward Coke, eſquire, the act of
attorney general of the ſaid lady the queen, who for the ſaid general par-
lady the queen, proſecutes for the ſaid lady the queen, * faith don of the
that the ſaid J. A. ought not to have or enjoy the benefit of 35 Eliz.
the ſaid pardon, becauſe he ſaith that he the ſaid J. A. on the * P. 273
laſt day of the ſeſſion of the ſaid parliament, was in the pri- The attorney
ſon of the marſhall of the marſhalſea of the lady the queen, general re-
before the queen herſelf by the command of T. Heneage, plies that he
knight, then and as yet being one of the privy council of the ought not to
ſaid lady the queen, to wit, at the borough of Southwark, in have the be-
the county of Surrey. And therefore at the prayer of the ſaid neſit of it
John Arundell, day is given as well to the ſaid John Arun- becauſe he
dell, as to the ſaid attorney general who proſecutes, &c. upon was a priſo-
the ſaid plea until the octave of St. Michael, before the ſaid ner of the
lady the queen, whereſoever, &c. in the ſtate in which now, king's bench
&c. under the cuſtody of the ſaid marſhall in the mean time priſon the
committed, &c. at which day before the lady the queen at laſt day of
Weſtmiſter, come as well the ſaid Edward Coke, eſquire, the ſeſſion of
who proſecutes, &c. as the ſaid J. A. under the cuſtody of parliament
the marſhall in his proper perſon, and ſaith that the ſaid lady by the com-
the queen, ought not to preclude or prevent him the ſaid mand of a
John from the benefit of the general pardon aforeſaid, by privy coun-
him as aforeſaid, prayed, becauſe he ſaith that he on the ſaid laſt ſellor.
day of the ſeſſion of the parliament aforeſaid, was not in the The deſen-
priſon of the marſhall of the marſhalſea of the ſaid lady the queen, dent rejoyns
before the queen herſelf, by the command of the ſaid T. Hen- that he was
eage, knight, to wit, at the borough of Southwark in the not a priſo-
co. of Surrey, aforeſaid, in the manner and form as the ſaid at- ner prout,
torney general, by replying hath alledged; and of this he iſſue joyned
puts himſelf upon the country, and the ſaid attorney general thereon and
of the ſaid lady the queen who, &c. doth the like, &c. there- venire a-
fore let the ſheriff of the county of Surrey cauſe to come, &c. awarded.
in fifteen days of St. Martin, &c. at which day, &c. the ſhe-
riff

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distringas
j. r. awarded

riff returns the writ with the panell, &c. therefore that he distrain, &c. fifteen days of St. Hilary, &c. the same day is given as well to the said attorney general who prosecutes, &c. as to the said J. A. under the custody of the said marshall again committed, &c.

See 6th Coke 14, a. where this case is reported.

The King against Lord Lovelace.

Trinity, 4th James 2d.

Information
for obstruct-
ing the exe-
cution of a
warrant
made by 2
justices of
the peace.

Berks, } **T**O be informed that John, lord Lovelace, ba-
To wit. } ron of Hurley, in the parish of Hurley, in
the county of Berks, being a person ill affected to the said
lord the king, and to his government, within this kingdom
of England, and devising, practising, and unlawfully, ma-
liciously, factiously and seditiously, intending to disquiet,
molest and disturb the peace and public tranquillity of this
kingdom of England, and to bring and draw our most serene
lord the now king, and his rule and government of this
kingdom of England, into hatred and contempt, and to
create false opinions and suspicions among the people and
subjects of the said lord the king, of and concerning the
government and rule of the said lord the king, and of the
royal power and undoubted prerogative of the said lord
the king, within this kingdom of England; and that the
said John, lord Lovelace, to fulfil, perfect and bring to
effect his most wicked devices and intentions aforesaid, on
the day of in the year, &c. at, &c. in the
county of Berks aforesaid, with force and arms, &c. the
execution of a * certain warrant in writing, under the
hadns and seals of Francis Perkins, esquire, and of
Richard Perkins, esquire, then and as yet justices of the
said lord the now king, assigned to preserve the peace of
the said lord the king, in and for the county of Berks aforesaid, and also to hear and determine divers felonies, tref-
passes and other misdeeds, in the said county perpetrated,
duly made, bearing date the 28th day of January, in the
4th year aforesaid, to the then constables and tything-
me

Traverfes, Pleadings and other Proceedings, &c.

men of the parifh of Ufton, in the county of Berks aforefaid, and to any one of them, and alfo to the church-wardens and overfeers of the parifh of Hurley, in the county of Berks aforefaid, and to all and fingular the feveral and refpective inhabitants of the faid parifhes, in the county of Berks aforefaid, and to each and every of them directed, for the fettlement of one William R. then late an inhabitant of the faid parifh of Hurley, and of Catherine, the wife of the faid William, and of a male child of the faid William and Catherine, within the faid parifh of Hurley, in the county of Berks aforefaid, unlawfully, unjuftly, contemptuoufly, maliciously, factioufly and feditioufly, did oppofe and hinder, and then and at divers other times, between the faid time and the 11th day of February, next following with force and arms, one William Grove, then and as yet being church-warden of the parifh of Hurley aforefaid, and — Rowe, then and as yet being an inhabitant within the parifh of Hurley aforefaid, and divers other inhabitants and parifhioners of the faid parifh, in the faid parifh then and as yet dwelling, and there keeping and maintaining manfion houfes, did hinder and obftruct, to obey the faid warrant; and the faid William Grove, and divers other inhabitants and parifhioners of the faid parifh, then and there did fir up, animate and abet, to oppofe and refift the faid warrant, and the execution thereof; and that the faid John, lord Lovelace, the further to fulfil, perfect and bring to effect his malicious and feditious purpofes and intentions aforefaid, upon a certain difcourfe, of and concerning the faid warrant and the execution thereof, and of and concerning the faid juftices of the peace, of the faid lord the king as aforefaid, and of the authority of the faid juftices of the peace, of the faid lord the now king as aforefaid, on the 30th day of January, in the 4th year aforefaid, at the parifh of Hurley, in the county of Berks aforefaid, in the prefence and hearing of the faid officers, and of divers other fubjects of the faid lord the now king, then and there being prefent, falfe, maliciously and unlawfully, contemptuoufly and feditioufly did fay, utter, declare, affirm and with a loud voice did publifh, “ *that he (meaning the faid John, lord Lovelace, baron of Hurley,) did no more value the faid warrant than the dirt of his fhoes, and that the faid warrant ought not to be obeyed.*” And the faid John lord Lovelace, then and there, to the faid William Grove, church-warden of the parifh of Hurley aforefaid, then and there being prefent as aforefaid, further did fay and affirm, “ *that if he the faid William Grove would difobey, and not obey the faid warrant, that he the faid lord Lovelace, him the faid William Grove, then being church-warden of the parifh of Hurley aforefaid,*

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*P. 275. “ and the other inhabitants within the pariſh of Hurley aforeſaid, in the county of * Berks aforeſaid, would ſave harmleſs, altho’ it ſhould coſt him the ſaid lord Lovelace 500l.” to the derogation, great damage, diminution and injury of the ſaid lord the now king, and of his royal prerogative, in contempt of the ſaid lord the now king, and of his laws, and of the power and authority of the ſaid Francis Perkins and Richard Perkins, juſtices of the peace of the ſaid lord the now king, under the ſaid lord the now king derived, in diminution and deriſion of the authority and power of the ſaid lord the now king, to the evil example of all others in the like caſe offending, and againſt the peace of the ſaid lord the now king, his crown and dignity, &c. Whereupon the ſaid attorney-general, &c.

Defendant juſtifies that the juſtices of the peace were not qualified, not having taken the oaths, &c. purſuant to act of parliament.

And now, to wit, on the Friday next after the morrow of the Holy Trinity, in this ſame term, before the lord the king, at Weſtminſter, comes the ſaid John lord Lovelace, by Robert Seyliard his attorney, and having heard the information aforeſaid, complains that he, under colour of the premiſes in the information aforeſaid mentioned, is greatly vexed and diſquieted; and this not juſtly; Becauſe, proteſting that the information aforeſaid, and the matter in the ſame contained, are not good and ſufficient in law, to which information aforeſaid, he hath no neceſſity, neither is he bound by the law of the land to anſwer in any manner; for plea nevertheleſs, as to the coming with force and arms, and to whatever is againſt the peace, or in contempt of the ſaid lord the now king and of his laws, or to the derogation, damage, diminution or prejudice of the ſaid lord the king, or of his royal prerogative, or to the diſminution or deriſion of the authority or power of the ſaid lord the now king, and alſo as to all other the premiſes in the information aforeſaid ſpecified, charged againſt him, except the oppoſing, hindering and obſtructing of the ſaid warrant and the execution thereof, and the ſpeaking, declaring and publiſhing the words in the ſaid information mentioned by him, the ſaid John lord Lovelace, above ſuppoſed to be done, he the ſaid John Lovelace ſaith that he is not guilty thereof, as by the ſaid information above is ſuppoſed, and of this he puts himſelf upon the country. And as to the oppoſing, hindering, and obſtructing the ſaid warrant, and the execution thereof, and the ſpeaking, declaring and publiſhing the words in the information aforeſaid mentioned, by him the ſaid John lord Lovelace above, ſuppoſed to be done, he the ſaid John lord Lovelace ſaith, that the ſaid lord the now king ought not to impeach, or trouble him by occaſion thereof, becauſe he ſaith, that after the making of a certain act, made and provided in a parliament of the lord Charles the 2d, late king of England, by prorogation held at Weſtminſter in the county of Middleſex, on the 4th day of

not guilty as to Vi. and arms, &c.

February,

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February, in the 25th year of his reign, intituled an act to prevent dangers which may happen, from Popiſh Recuſants, and long after the term of Eaſter, 1673, in the ſaid ſtatute mentioned, the ſaid F. Perkins and R. Perkins in the information aforeſaid above named, by a commiſſion of the ſaid lord the now king, ſealed under his Great Seal of England, bearing date at Weſtmiſter, the 17th day of February, in the 3d year of the reign of the ſaid lord the now king, were (among other perſons in the ſaid commiſſion named) jointly and ſeparately conſtituted and assigned juſtices of the ſaid lord the now king, to preſerve the peace in the ſaid county, which F. Perkins and R. Perkins afterwards, and for eleven months and more before the making of the ſaid warrant in the ſaid information above ſpecified, to wit, on the 24th day of February, in the 3d year of the reign of the ſaid lord the now king aforeſaid, in the pariſh of Hurley aforeſaid, in the ſaid county of Berks, in the due manner were ſworn, and each of them then and there in the due manner was ſworn, well and faithfully to execute the office of juſtice of the peace, in the ſaid county of Berks. And thereupon they the ſaid F. Perkins and R. Perkins, then and there by virtue of the ſaid commiſſion, were admitted to exerciſe the office of juſtices of the ſaid lord the now king, to preſerve the peace of the ſaid lord the now king, in the ſaid county of Berks. And each of them then and there was admitted to execute the office of one of the juſtices of the ſaid lord the now king, to preſerve the peace of the ſaid lord the king in the ſaid county. And that office, then and there did take upon themſelves, and each of them did take upon himſelf, by virtue of the ſaid commiſſion, and in the exerciſe of that office in fact, from thence until the time of the making of the ſaid warrant, to wit, to the 28th day of January, in the 4th year aforeſaid, did continue, and each of them did continue, to wit, at the pariſh of Hurley aforeſaid, in the county aforeſaid; and that the ſaid office of Juſtice of the ſaid lord the king, in and for the county of Berks aforeſaid, is a civil office, and an office of truſt, under the ſaid lord the now king, and concerns the public juſtice within this kingdom of England. And the ſaid John lord Lovelace proteſting, that the ſaid F. Perkins and R. Perkins, being Popiſh recuſants, and each of them being Popiſh recuſants, at any time after their ſaid admiſſion into the office of juſtice of the peace aforeſaid, have not received, nor hath either of them received the ſacrament of the Lord's-ſupper, or have taken or performed, nor hath either of them taken or performed the oaths of ſupremacy and allegiance, according to the form and effect of the ſaid ſtatute, in ſuch caſe made and provided, in fact, and for plea, the ſaid John Lord Lovelace further ſaith, that after the admiſſion of the ſaid F. and R. into the ſaid office of juſtices

Traverſes, Pleadings and other Proceedings, &c.

juſtices of the peace of the ſaid lord the king for the ſaid county, and before the making of the ſaid warrant, to wit, on the 5th day of April, in the 3d year of the reign of the ſaid lord the now king, the Quarter ſeſſion of the peace, for the ſaid county, was held at Newbery in the ſaid county, and that the ſaid F. Perkins at any time after the making aforeſaid of the commiſſion aforeſaid, of the lord the now king, nor after his admiſſion aforeſaid, into the office of juſtice of the peace of the ſaid lord the now king, did not make and ſubſcribe the declaration ſpecified in the ſtatute aforeſaid, in ſuch caſe made and provided, and by the ſaid ſtatute appointed to be made and ſubſcribed according to the form and effect of the ſaid ſtatute. And that the ſaid R. Perkins, at any time after the making aforeſaid, of the commiſſion aforeſaid, of the ſaid lord the king, nor after his admiſſion aforeſaid, into the ſaid office of juſtice of the peace, of the ſaid lord the now king, did not make and ſubſcribe the declaration in the ſaid ſtatute mentioned, and by the ſaid ſtatute appointed to be made and ſubſcribed, according to the form and effect of the ſaid ſtatute, but they the ſaid F. P. and R. P. ſo to do entirely have neglected. and each of them hath neglected, againſt the form of the ſaid ſtatute, before the making of the ſaid warrant, in the ſaid information mentioned, whereby by force of the ſaid ſtatute, they the ſaid F. P. and R. P. before the making of the ſaid warrant, in the information aforeſaid mentioned, became in fact diſqualified and incapable in law, * and each of them became diſqualified and incapable in law, to all intents and purpoſes, to be or continue juſtices of the ſaid lord the king, to preſerve the peace in and for the ſaid county, and ſo did continue and were, and each of them did continue and was diſqualified and incapable at the time of the making of the ſaid warrant in the information aforeſaid mentioned, and at the time of the making of the ſaid warrant, then were not, nor was either of them juſtices or juſtice of the ſaid lord the king, to preſerve the peace of the ſaid lord the king, in the ſaid county, and ſo the warrant aforeſaid, by them ſo as aforeſaid made, never was valid, but was altogether void and of no effect in law, and for ought ought entirely to be had and held. And the ſaid John lord Lovelace further ſaith, that he at the time of the making of the ſaid warrant and long before, and from that time continually afterwards, hitherto was a paſſioner and inhabitant of the ſaid pariſh of Hurley, in the ſaid county of Berks, and chargeable and charged towards the ſupport of the poor of the ſaid pariſh, and the other charges to be ſuſtained by the paſſioners of the ſaid pariſh; and that if the ſaid W. R. and Catherine his wife, and their ſaid

Traverses, Pleadings and other Proceedings, &c.

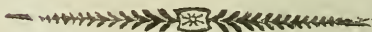
said male child, in the information aforesaid named, by pretence of the said warrant, should be settled in the said parish of Hurley, a charge unjustly would fall upon the said John Lord Lovelace, and upon the other parishioners of the said parish of Hurley, for the support of the said W. R. Catherine his wife, and of the said male child, [they being poor and in want,] by reason whereof he the said John lord Lovelace, on the said 30th day of January, in the 4th year of the reign of our said lord the now king aforesaid, at the parish of Hurley, having a discourse with the said William Grove, then church-warden of the said parish of Hurley, and with — Row, and with divers other inhabitants and parishioners of the said parish of Hurley, concerning the premisses, and the said constables and tything-men of the said parish of Uston, requiring and urging them under pretence of the said warrant, to receive and settle the said W. R. and Catherine his wife, and the male child aforesaid, in the said parish of Hurley, he the said John lord Lovelace, to free and save himself and the other parishioners of the said parish of Hurley, from the charge which would arise to them by the unjust settlement of the said W. R. and Catherine, and of their male child aforesaid, within the parish of Hurley aforesaid, under pretence of the said warrant so being invalid and void, then and there did oppose and hinder the execution of the said warrant as being invalid and void, and made by persons who were not justices of the peace, and then and there did say, that the said warrant ought not to be obeyed, and did give advice to the said William Grove, and to the said other inhabitants and parishioners of the parish of Hurley aforesaid, not to obey the said warrant, and then and there did say to the said William Grove, and to the other inhabitants and parishioners aforesaid, that he did no more value the said warrant than the dirt of his shoes, and that if the said William Grove would disobey and not obey the said warrant, that he the said John lord Lovelace would save harmless, the said William Grove and the other parishioners of the said parish of Hurley, although it should cost him 500*l*. as it was well lawful for him, which are the said opposing, hindering and obstructing of the said warrant and the execution of the same, and the * speaking, declaring and publishing of the words in the information aforesaid mentioned, to him by the information aforesaid above charged, without this, that the said John lord Lovelace is guilty of the said premisses, to him by the said information above charged, otherwise, or in any other manner than he above by pleading hath alledged, all and singular which things the said John Lord Lovelace is ready to verify, wherefore he doth not apprehend that the

*P. 278.

Traverse.

Traverfes, Pleadings and other Proceedings, &c.

the faid lord the now king, will or ought to impeach or trouble him the faid John lord Lovelace for occafion thereof, and he prays judgment, and that he as to the faid premiffes, by the court here may be difmiffed, &c. &c. &c. &c.



Attainders

Attainders for Treason, Murder, &c.



The King *against* Gerrard.

HERETOFORE to wit, on the day, &c. last past before the lord the king at Westminster, by the oath of 12 jurors good and lawful men of the said county, then and there sworn and charged to enquire for the said lord the king and for the body of the said county, it is presented that Charles Gerrard, late of the parish of St. Martin, in the fields in the county of Middlesex, esquire, as a false traitor against the most illustrious and most excellent lord Charles the 2d, late king of England, &c. his natural lord, not having the fear of God in his heart, nor weighing the duty of allegiance, but being moved and seduced by the instigation of the devil, and entirely withdrawing the cordial love, and true due and natural obedience which a true and faithful subject of the said late lord the king, towards the said late lord the king should bear and of right was bound to bear, and devising, practising and as much as in him lay, intending to disquiet, molest and disturb the peace and public tranquillity of this kingdom of England, and to stir up, move and procure war, rebellion and insurrection against the said late lord the king, within this kingdom of England, and to subvert, change and alter the government of the said late lord the king of this kingdom of England, and the said late lord the king from his title, honour and royal name, and from the imperial crown of this kingdom of England, to depose and deprive, and the said late lord the king to bring and put to death and final destruction, on the 30th day of March, in the 35th year of the reign of the said lord Charles the 2d, late king of England, &c. and at divers other days and times as well before as after, at the parish of St. Martin, in the fields in the county of Middlesex, falsely, maliciously, diabolically and traiterously, with divers other false rebels and traitors to the jurors aforesaid, unknown did conspire, compass, imagine, and intend * the said late lord the king then his supreme and natural lord not only from his royal state, title, Indictment
for high
treason, by
conspiring to
depose and
murder the
king,

Attainders for Treason, &c.

power and government of his kingdom of England, to deprive and depose, but also the said lord the king to kill, and to bring and put to death, and to change alter and entirely subvert the antient government of this kingdom of England, and to cause and procure a miserable slaughter among the subjects of the said late lord the king, throughout his whole kingdom of England, and to procure and abet war, insurrection and rebellion against the said late lord the king within this kingdom of England, and to fulfil, perfect and bring to effect the said most wicked, detestable and diabolical treasons and traitorous compassings, imaginations and purposes, he the said Charles Gerrard as a false traitor, then and there, to wit on the said 30th day of March in the 36th year of the reign of the said late king aforesaid, and at divers other days as well before as after at the parish, &c. in the said county of Middlesex, falsely, unlawfully, wickedly and traitorously with James duke of Monmouth and with divers other false traitors to the jurors aforesaid unknown; did assemble, meet and consult, to raise and procure divers great sums of money, and great numbers of armed men, to levy and make war and rebellion against the said lord the late king, within this kingdom of England, and to take and seize the castle of the said late lord the king of Chester, against the duty of the allegiance, and against the peace as well of the said late lord the king as of the said lord the now king, their crowns and dignities, &c. and also against the form of the statute in such case made and provided, &c. whereupon the sheriff of the said county is commanded that he do not omit, &c. but that he take him to answer, &c. And now to wit on the Saturday next after the morrow of St. Martin, in this same term, before the lord the king at Westminster, comes the said C. G. under the custody of Thomas Cheeke, esquire, lieutenant of the Tower of London, by virtue of the writ of the lord the king of habeas corpus ad subjiciendum, &c. into whose custody before for the cause aforesaid, he was committed to the bar here brought in his proper person, who is committed to the said lieutenant, &c. and forthwith being demanded of the premises above charged against him, how he will acquit himself thereof, saith that he is not guilty thereof, and thereof of good and evil puts himself upon the country; therefore let a jury come thereupon before the said lord the king at Westminster, on the Thursday next after fifteen days of St Martin next ensuing, by whom, &c. and who neither, &c. to recognise, &c. because as well, &c. the same day is given to the said Charles Gerrard, &c. under the custody aforesaid, of the lieutenant of the Tower of London aforesaid, &c. and in the mean time is committed safely to be kept until, &c. At which day be-

and to levy
war.

Capias.

Defendant
appears in
custody of
the lieuten-
ant of the
tower.

Not guilty
pleaded.

Attainders for Treason, &c.

fore the lord the king at Westminster, comes the said Charles Gerrard under the custody aforesaid, of the lieutenant of the Tower of London aforesaid, to the bar here brought in his proper person, and the jurors of the said jury for this purpose by the sheriff of the said county impanelled, being called come, who being elected, tried and sworn to speak the truth of and concerning the premises, say upon their oath that the said Charles Gerrard is guilty of the high treason aforesaid, Verdict
in the said indictment specified in the manner and form as by guilty.
the said indictment above against him is supposed, and that the said Charles Gerrard at the time of the perpetration of the high treason aforesaid, or at any time afterwards * had no *P. 280.
goods or chattels, lands or tenements to the knowledge of the said jurors; and the said Charles Gerrard, being demanded if he had or knew any thing to say for himself, wherefore the court here should not proceed to judgment and execution against him, upon the verdict aforesaid, saith nothing except as before he hath said, whereupon immediately the attorney general of the said lord the now king according to the due form of law, prays against him the said Charles Gerrard, judgment and execution to be had upon the verdict aforesaid, Judgment and execution prayed.
for the said lord the king. Whereupon all and singular the premises being seen and by the court here fully understood, it is considered that the said C. G. be brought by the said Judgment.
lieutenant of the Tower of London to the prison of the said lord the king of the Tower aforesaid, and from thence that he be drawn to the place of execution, &c. &c.

The King against Morley.

Michaelmas, 24th Charles 2d.

City of York) ——— HERETOFORE to wit, on Tuesday Indictment
To wit. § to wit, the 7th day of August, in the year for murder
of our Lord 1649, at the assizes and general goal delivery by shooting
held at the Guild-hall of the city of York, in the county the deceased
of the said city of York, before J. Puleston, one of the
X x justices

Attainders for Treason, &c.

justices of the common bench, and Francis Thorp, one of the barons of the public Exchequer, William Allenton, knight, and others their fellows justices and commissioners assigned as well to hear and examine and to deliver the goal there, as to enquire by the oath of good and lawful men within the said city, by whom the truth of the matter might be the better known, and by other ways, methods and means, by which they might and could know better, as well within liberties as without, of certain treasons, misprisions of treason, insurrections, rebellions, murders, killings, felonies, burglaries, &c. in the county of the said city perpetrated, &c. and to hear and determine, &c. by the oath of P. L. and eleven others, good and lawful men of the county of the said city, impanelled, sworn and charged to enquire for the keepers of the liberties of England, by the authority of parliament, and for the body of the county of the said city, it is presented as follows, to wit, The jurors of parliament, upon their oath present, that Cuthbert Morley, late of, &c. gentleman, on the 15th day of May, in the year of our Lord 1649, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, with force and arms, &c. at the city of York, in the county of the said city, in and upon one Richard Harrison then and there, in the peace of God and in the public peace being, feloniously, wilfully and of his malice aforethought, did make an assault, and then and there a certain pistol, of the value of 12 pence, charged with bullets and gun-powder, which he the said Cuthbert in his hands then and there had and held, did discharge, and him the said R. Harrison, in and upon the right part of his side or shoulder, feloniously, wilfully and of his malice aforethought did strike, and * then and there, did give to the said R. H. with the said pistol, in the manner and form aforesaid charged, in and upon the said right part of his side or shoulder aforesaid, one mortal wound, of the length of one inch and of the depth of six inches, of which mortal wound the said R. H. did languish and languishing did live, from the said 15th day of May, in the year aforesaid, until the 26th day of the month of May, in the year aforesaid, upon which 26th day of May in the year aforesaid, he the said R. H. at the city of York aforesaid, in the county aforesaid, of the said mortal wound died. And so the said C. M. him the said R. H. on the said 15th day of May in the year aforesaid, at the city of York aforesaid, in the county aforesaid, in the manner and form aforesaid, feloniously, wilfully, and of his malice aforethought did kill and murder against the the public peace, &c. whereupon the sheriffs of the county of the city of York,

Indictment.

P. 28 I
in & super
dextram
partem later-
is five hu-
meri sui.

Conclusion.

Attainders for Treason, &c.

are commanded that they do not omit, because of any liberty of the county there, but that they take the said C. M. if he can be found in their bailiwick, and him safely keep, so that they may have his body before the justices, at the next general goal-delivery, to be held in the county of the said city, to answer to the said keepers of the liberties of England, by the authority of parliament, of the felony and murder aforesaid; at which day to wit, at the next general goal-delivery held at the city of York, in the county of the said city, on the 25th day of March, in the year of our Lord, 1650, before Francis Thorpe one of the barons of the Exchequer, T. Wileington and others, their fellow-justices, and commissioners assigned as well to hear and examine, and deliver the goal there, as to enquire by the oath of, &c. of certain treasons, misprisions of treasons, insurrections, rebellions, murders, killings, felonies, &c. in the said county perpetrated, &c. and to hear and determine, &c. the sheriffs of the said city return the said precept to them in the form aforesaid directed, and further testify, that the said C. M. is not found in their bailiwick. Whereupon the said sheriffs of the said city are commanded as before they were commanded, that they do not omit, because of any liberty of their city, but that they take the said C. M. if he can be found in their bailiwick and him safely keep, so that they may have his body before the justices, at the next general goal-delivery, held at the city of York, in the county of the said city, to answer to the keepers of the liberties of England, by the authority of parliament, of the felony and murder aforesaid, and the said writ, &c. At which day, to wit, at the assizes and general goal-delivery, held at the city of York, in the county of the said city, on the 30th day of July, in the year of our Lord, 1650, before Francis Thorpe, one of the barons of the publick Exchequer, Peter Warburton, one of the justices of the Common-bench, W. A. and others their fellows-justices and commissioners, assigned as well to hear and examine, and to deliver the goal there, as to enquire by the oath, &c. of certain treasons, misprisions of treasons, insurrections, rebellions, murders, killings and felonies in the said city perpetrated, &c. and to hear and determine, &c. the sheriffs of the city of York aforesaid, have not sent the said writ thereupon, therefore the sheriffs of the said city are commanded, as they often were commanded, that they do not omit because of any liberty of their city, but that they take the said C. M. if he may be found in their bailiwick, and him safely keep, so that they may have his body before the justices at the next general * goal delivery to be held in the said city, to answer to the keepers of the liberties of England, by the authority of parliament, of the felony and murder aforesaid, and the said writ, &c. At which day, to wit, at the general goal-delivery, held at the city of York, in the county of the

Return non est inventus, nisi s capias awarded.

Non miserrunt breves Pluries.

* P. 282

Attainders for Treason, &c.

Non inven- tus est.	Exigent a- warded.	Return of the exigent.	1st Exa ^{ct} .	2d	3d	4th	5th	Defendant out-lawed.
said city, on the 12th day of March, in the year of our Lord, 1650, before F. Thorpe, one of the barons of the public Exchequer, J. Parker, serjeant at law, and others their fellows justices and commissioners assigned as well to hear and examine, and to deliver the goal there, as to enquire by the oath, &c. of certain treasons, misprisions of treasons, insurrections, rebellions, murders, killings, felonies, &c. C. B. and G. R. sheriffs of the said city of York return the said precept to them, in the form afore said directed; and further testify, that the said C. M. is not found in their bailiwick; Whereupon the said sheriffs are commanded that they do not omit, because of any liberty of their city, but that they cause the said C. M. to be called from county to county, until that according to the law and custom of England he shall be outlawed if he do not appear; and if he shall appear, then that they take him and safely, &c. so that they may have his body before the justices, at the next general goal-delivery to be held in the said city, to answer to the said keepers of the liberties of England, by the authority of parliament, of the felony and murder afore said; at which day, to wit, at the next general goal-delivery, held at the Guild-hall of the city of York, in the county of the same city, on the 22d day of July, in the year of our Lord, 1651, before F. T. one of the barons of the public Exchequer, J—, serjeant at law and others, justices and commissioners as well to hear and examine, and the goal there to deliver, as to enquire by the oaths, &c. of certain treasons, misprisions of treasons, insurrections, rebellions, murders, killings, felonies, robberies, &c. C. B. and G. P. sheriffs of the city of York afore said, returned the said precept to them, in form afore said directed, thus indorsed, that is to say, At our county of the city of York, held at the city of York, in the county of the said city, on Monday, to wit, the 31st day of March, in the year of our Lord, 1651, C. M. within named, was the first time called and did not appear; and at our county of the said city there held, on the 28th day of April in the year of our Lord, 1651, the said C. M. was the second time called and did not appear; and at our county of the city there held, the 26th day of May, in the year of our Lord, 1651, the said C. M. was the third time called and did not appear; and at the county of the said city there held, the 28th day of June, in the year afore said, the said C. M. was a fourth time called and did not appear; and at our county of the said city there held, the 21st day of July, in the year afore said, the said C. M. was the fifth time called and did not appear. Therefore by the judgment of the coroners of the county of the city of York, the said C. M. is out-lawed. Which record the lord the now king, for certain causes								

Attainders for Treason, &c.

causes afterwards hath caused to come before him, &c. whereupon the sheriffs of city of York aforesaid, are commanded that they take him if, &c. to stand right in court, &c. And now to wit, on the Tuesday next after 15 days of St. Martin in this same term, before the lord * the king at Westminster, comes Mary Morley, daughter and heir of the said C. M. who is within the age of 21 years, by Philip Ward her guardian, by the court of the lord the now king here specially admitted, and forthwith produces here in court a certain writ of the said lord the now king close, to his justices here directed, which follows in these words; Charles the second by the grace of God, &c. to our justices assigned to hold pleas before us, greeting, because in the record and proceedings, and also in the pronouncing of the outlawry against C. M. deceased, for a certain felony and murder, whereof he is indicted, and thereupon is outlawed, in the county of the city of York pronounced, and before us returned, as it is said manifest error hath intervened, to the great damage of Mary Morley, daughter and heir of the said C. M. as from her complaint we have understood; we willing that the error, if any hath been, in the due manner be corrected, and that full and speedy justice be done the said Mary in this behalf, command you, that if the the said outlawry is returned before us, as it is said, then the record and the said proceedings now remaining before us as it is said being inspected, and those being summoned before you, whom you shall think fit to summon in this behalf, you further cause to be done therein, for the annulling of the said outlawry, that which of right and according to the law and custom of our kingdom of England shall be to be done, witness Ourself, &c. And thereupon the said M. M. daughter and heir of the said C. by her guardian aforesaid saith, that in the record and proceedings aforesaid, there is manifest error in this, to wit, that it doth not appear by the indictment in the record aforesaid specified, in what part of the body of the said R. Harrison, he the said R. Harrison was wounded as ought; and also, there is manifest error in this, to wit, because in the indictment aforesaid, in the record aforesaid specified, it is expressed that the said C. M. on the 15th day of May, in the year of our Lord, 1649, at the city of York aforesaid, feloniously, wilfully, and of his malice aforethought, him the said R. H. did kill and murder, and nevertheless, in the record aforesaid it plainly appears, that he the said R. H. died on the 26th day of May, in the year aforesaid; and also there is a manifest error in this, to wit, because the said writ of the lord the king of capias with proclamation, was not directed to the sheriff of the county of York, in which county of York the said C. M. dwelt at the time of the felony and murder aforesaid, as appears by the record, as it ought to be, and in this there is a manifest error, wherefore the

Capias ad
standum
recte.

* P. 283.

The daughter
and heir
of the out-
law appears
and produces
a writ of er-
ror to the
judges of
B. R.

Errors at-
signed.

Attainders for Treason, &c.

Scire facias
to the she-
riff of the
county and
the sheriffs
of the city
of York, to
summon the
ter-tenants
and lords
mediate and
immediate.

* P. 284

Return by
the sheriffs
of the city
that there
are none &c

The like re-
turn by the

said M. M. by her guardian aforesaid prays judgment, and that the outlawry aforesaid, for the errors aforesaid and others in the record and proceedings aforesaid found, may be reversed, annulled and entirely held for nought; and that she to the Common Law of the kingdom of England, and to all things which she hath lost, by reason of the said outlawry may be restored; and that the court here may proceed to the examination of the record and proceedings aforesaid, &c. and because that it seems necessary and expedient to the court here, before the court do proceed in this behalf, that as well the tenants of the lands and tenements, which were of the said C. M. on the said 15th day of May, in the year of our Lord, 1649, aforesaid, on which day the felony and murder aforesaid was committed, or at any time after, as the lords of whom the said lands and tenements mediately and immediately may be holden, should be forewarned to be before the lord the king, to hear the record and proceedings aforesaid, if they shall think fit. Therefore the sheriffs of the city of York, and the sheriff of the county of York, are commanded that they do not omit, &c. but that by * good and lawful men of their said several bailiwicks, they give notice as well to the tenants of the lands and tenements which were of the said C. M. on the said 15th day of May, in the year of our Lord 1649 aforesaid, or at any time afterwards, as to the lords of whom the said lands and tenements mediately and immediately are holden, that they be before the lord the king at the octave of St. Hilary, wheresoever, &c. to hear the record and proceedings aforesaid, &c. the same day is given to the said M. M. by her guardian aforesaid, &c. at which octave of St. Hilary, before the lord the king, at Westminster, comes the said M. M. by her guardian aforesaid, and T. W. and R. H. sheriffs of the county of the city of York, return here into court the said writ of the lord the king, of scire facias, to them as aforesaid directed, under this form, To the most serene lord the king, we most humbly certify, that there are not any tenants, nor is there any tenant of any lands or tenements, which were of the within named C. M. on the 15th day of May, in the year of our Lord 1649, on which day the felony and murder within mentioned, is supposed to be committed, or at any time afterwards, nor are there any lords, nor is there any lord of whom any lands and tenements of the said C. M. mediately or immediately are holden in our bailwick, to whom we could give notice as within we are commanded, the answer of T. W. and R. H. esquires, sheriffs. And at the same day J. R. sheriff of the county of York, returns here into court the said writ of the lord the king, of scire facias, to him as aforesaid directed, under this form, To the within written lord the king, I certify that there are not

Attainders for Treason, &c.

not any tenants, nor is there any tenant, of any lands and tenements, which were of the within named C. M. on the 15th day of May, in the year of our Lord 1649, the within mentioned time of the supposed felony and murder within written, or at any time afterwards, nor are there any lords nor is there any lord, of whom any lands or tenements of the said C. M. mediately or immediately are holden, in my bailiwick, to whom I could give notice as within I am commanded. The answer of J. R. esquire, sheriff.

Whether this attainder was reversed non constat, but there are some notes of the proceedings in this case, 3 Keble, 29, 31, 125, whereby it appears the opinion of the court was, that the wound laid to be in et super dextram partem lateris sine humeri sui, was uncertain. Secondly, that the laying, that the deceased was shot the 15th of May, and languished till the 26th. and then died, et sic Morley murdered him that the 15th was naught, and the best way is to say generally et sic, &c. quod Morley modo et forma pradiet' murdered him.

Vide Hales, Pl. Cor. 207.

Stubbs 345, Dogherty 296, lay the conclusion in that manner and see the next precedent.

* The King against Doughty, and another. *P. 285.

Middlesex, } **B**E it remembered that at the general quarter session of the peace of the lord the king held for the county of Middlesex, at Hicks-hall in St. John street in the said county on Monday to wit, the 5th day of July, in the 32d year of the reign of our lord Charles the 2d, &c. Before William earl Craven, N. F. and others their fellows justices of the said lord the king assigned to preserve the peace in the said county and also assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, by the oath of S. P. and 16 others, good and lawful men of the said county then and there sworn and charged to enquire for the said lord the king and for the body of the county aforesaid, it is presented in the manner and form following to wit. Middlesex to wit, the jurors for the lord the king upon their oath present that Philip Doughty late of the parish of St. Margaret, Westminster in the county of Middlesex, esquire, and Anthony Hamilton late of the parish aforesaid in the county aforesaid, esquire, not having the fear

Caption.

Indictment
at a session
of the peace
for Middle-
sex, held the
5th day July
32 Ch. 2 for
murder with
a rapier.

of

Attainders for Treason, &c.

of God before their eyes, but being moved and seduced by the instigation of the devil, on the 23d day of April in the 32d year of the reign of the lord Charles the 2d by the grace of God, &c. with force and arms, &c. at the parish, &c. in the county, &c. in and upon one Richard Capps, in the peace of God and of the said lord the now king, then and there being, feloniously, wilfully and of their malice aforethought did make an assault, and that the said P. D. with a certain rapier made of iron and steel of the value of 5 shillings, which he the said P. D. in his right hand then and there had and held drawn, him the said R. Capps then and there being in and upon the left side of him the said R. Capps, nigh to the left pap of him the said R. Capps, feloniously, wilfully and of his malice aforethought did strike and thrust, giving to the said R. Capps then and there with the drawn rapier afore said, in and upon the left side of him the said R. C. nigh to the said left pap of him the said R. C. one mortal wound of the breadth of half one inch and of the depth of six inches, of which mortal wound he the said R. C. from the said 23d day of April in the year afore said, until the 11th day of June, from that time next ensuing in the year afore said, at the parish afore said and county afore said, and at the parish of St. Martin in the fields, in the county afore said, did languish and languishing did live, on which 11th day of June afore said, he the said R. Capps, at the said parish of St. Martin in the fields in the county of Middlesex afore said, of the mortal wound afore said died; and that the said A. Hamilton, feloniously, wickedly and of his malice aforethought was present, abetting, assisting, comforting and maintaining the said P. D. him the said R. C. to kill and murder, in the manner and form afore said, and so the jurors afore said say upon their oath afore said that the said P. D. and A. H. him the said R. C. in the manner and form afore said, feloniously, wilfully and of their malice aforethought did kill and murder, against the peace of the said lord the now king his crown and dignity, &c.

whereupon the sheriff of the county of Middlesex is commanded that he do not omit, &c. but that he take them, * to answer, &c. which indictment the said justices of the said lord the king, afterwards to wit, at the delivery of the goal of the said lord the king of Newgate held for the said county at Justice Hall in the old Bailey in the suburbs of the city of London on Wednesday to wit, the 7th day of July in the 32d year afore said, before R. Clayton knight, mayor of the city of London, T. A. knight, and baronet, and others their fellows justices of the said lord the king assigned to deliver his goal of Newgate of the prisoners being therein by their own proper hands did deliver here in court of record in the form of the law to be determined, and thereupon at the said delivery of the goal of the said lord the king held for the said county at Justice Hall afore said, on the said Wednesday the 7th day of July in the year afore said, before the said justices last

named

Wound
given by
Doughty.

Languish-
ing in two
parishes.

Hamilton
aiding and
abetting.

Capias
awarded.

* P. 286.

Indictment
transmitted
to the goal
delivery of
Middlesex
held at the
Old Bai y.

Attainders for Treason, &c.

named come the said P. D. and A. H. under the custody of J. R. knight, and S. L. knight, sheriff of the said county, into whose custody for the said cause before they were committed brought here to the bar in their proper persons, who are committed to the said sheriff, and forthwith being severally demanded of the felony aforesaid and of the murder aforesaid, in the indictment aforesaid, above specified, how they will acquit, themselves thereof, they the said P. D. and A. H. severally say that they are not guilty thereof, and thereof for good and evil severally put themselves upon the country, therefore immediately let a jury come thereupon before the justices last named here, &c. who neither, &c. to recognize, &c. And the jurors of that jury by the said sheriff for that purpose impaneled to wit, X. P. W. P. and ten others being called come, who being elected tried and sworn to speak the truth of and upon the premises, say upon their oath that the said P. D. is guilty of the felony and murder aforesaid, in the indictment aforesaid, above specified in the manner and form as by the said indictment above against him is supposed, and that the said P. D. hath no goods or chattels, lands or tenements to the knowledge of the said jurors, and that the said A. H. is not guilty of the felony and murder aforesaid, in the indictment aforesaid, above specified, as he the said A. H. for himself above by pleading hath alledged, nor hath he ever fled for that occasion; and thereupon immediately the said P. D. is asked if he hath or knoweth any thing to say for himself, why the court here should not proceed to judgment and execution against him upon the said verdict, who saith nothing except as before he hath said, whereupon all and singular the premises being seen and by the court here understood, it is considered by the court here that the said P. D. be hanged by his neck until that, &c. and that the A. H. be thereof quit, and that he go thereof without day. And now to wit, on the Monday next after the morrow of the ascension of our Lord, in this same term before the lord the king at Westminster, comes the said P. D. in his proper person, who is committed to the marshal, &c. and forthwith saith that in the record and process aforesaid, there is error in this to wit, that whereas it is supposed that the said indictment was taken, at the general quarter session of the peace of the county of Middlesex, and the said general quarter session of the peace appears to be held on the 5th day of July, before the feast of the translation of St. Thomas the martyr, which always is and falls upon the 7th day of July, whereas the general quarter session of the peace ought to be held in the first week after the said festival, therefore in that there is manifest error, also there is error in this, that it doth not appear by the said record

Defendants
plead not
guilty.

Venire
facias.

Doughty
found guilty

Hamilton
not guilty.

Judgment.

A Tignment
of errors in
B. R.

Attainders for Treason, &c.

* P. 287.

that any issue was joined between the said lord the king and the said P. and nevertheless the * said P. is tried and convicted without any issue being joined thereupon, and so in that there is manifest error; also there is manifest error in this, because that by the writ of precept in the said record mentioned the sheriff is commanded that he cause to come 12, &c. who neither to the said lord the king nor him the said P. are in any wise of kin, whereas this word "*neither*" ought to have been omitted, and so in that in like manner there is manifest error, and this he is ready to verify, wherefore he prays judgment, and that the judgment and attainder aforesaid, for the errors aforesaid, and for others in the record and process aforesaid, appearing may be reversed, annulled and entirely held nought, and that he the said P. may be restored to the common law and to all things which he hath lost by occasion of the said attainder, and that he as well of the said conviction and attainder as of the said indictment may be dismissed by the court here, and that the court here may proceed to the examination of the record and process aforesaid. And because that it seems necessary and expedient to the court here, before the court here shall proceed in that behalf that as well the tenants of the said lands and tenements which were of the said P. D. on the said 23d day of April in the 32d year aforesaid, or at any time after as the lords of whom the said lands and tenements mediately or immediately are holden, should be forewarned to be before the lord the king to hear the record and process aforesaid, if they shall think fit, therefore the sheriff of the said county of Middlesex is commanded that he do not omit, &c. but that by good and lawful men of his bailiwick he give notice to the tenants of the lands and tenements which were of the said P. D. on the said 23d day of April, in the 32d year aforesaid, or at any time afterwards, as also to the lords of whom the said lands and tenements mediately or immediately are holden, that they be before the lord the king on the morrow of the Holy Trinity wheresoever, &c. to hear the record and process aforesaid, and the same day is given to the said P. D. here, &c. and thereupon by the special favour of the court the said P. D. is delivered in bail to T. L. of the parish, &c. esquire, and to A. M. of W. esquire, untill, &c. to wit, the said T. L. and A. M. under the penalty of 500*l*. each and the said P. D. under the penalty of 1000*l*. which, &c. at which morrow of the said Holy Trinity before the lord the king at Westminster, comes the said P. D. in his proper person according to the form of his recognisance aforesaid, in this behalf before acknowledged, and S. B. esquire, and H. C. esquire, sheriff of the county aforesaid, return that there

are

Scire facias
to the ten-
tenants and
lords medi-
ately and im-
mediate

Doughty
bailed.

Attainders for Treason, &c.

are not any tenants, nor is there any tenant of lands and tenements which were of the within named P. D. on the 23d day of April, in the 32d year aforesaid, within written nor at any time afterwards, in his bailiwick, to whom he could give notice, and thereupon the said P. D. as before prays judgment and that the conviction and attainder aforesaid, for the said errors, and others in the record of conviction and attainder being found may be reverted and annulled, and entirely held for nought, and that he may be restored to the common law and to all things which he hath lost by occasion of the judgment, and attainder aforesaid, and that he of the judgment and attainder aforesaid, may by the court here be discharged and dismissed, &c. &c.

Sheriff returns no tenants.

* The King *against* Stone.

*P. 238.

To wit. **T**HE lord the king hath sent to his justices assigned to deliver his goal of the county of Somerset, of the prisoners being therein, and also to the keepers of his peace and to his justices assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, his writ close in these words to wit, Charles the second by the grace of God, &c. to our justices assigned to deliver our goal in the county of Somerset of the prisoners being therein and also to the keepers of the peace in the said county and to our justices assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, greeting, because in the record and process of conviction of Peter Stone and Ed. Ivy, for felony and robbery whereof they are indicted, and by a certain jury, of the country are convicted, as it is said, manifest error hath intervened to the great damage of the said Peter and Edward, as we have understood from their complaint, we willing that the error if any there hath been in the due manner by corrected and that full and speedy justice be done to the said P. and E. in this behalf, command you that if judgment be given thereupon, then that you send the record and process aforesaid, with all things touching the same, to us, under your seals distinctly and openly, and this writ, to

Writ of error directed to the justices of the peace and the justices of goal delivery of the county of Somerset.

Attainders for Treason, &c.

that we may have them on the octave of St. Hilary, wherefoever we shall then be England, that the record and process aforesaid, being inspected we may further cause to be done thereupon for correcting the error that which of right and according to the law and custom of our kingdom of England, shall be to be done, witness ourself the 9th day of January, in the 33d year of our reign. The answer of the within written justices. The execution of this writ appears in a certain schedule to this writ annexed, F. North. The record and process whereof mention is within made follows in these words, to wit, Somerset to wit. Be it remembered that at the general delivery of the goal of the lord the king of his county of Somerset, of the prisoners being therein, held at the city of Wells in and for the said county on the Saturday to wit, the 9th day of August, in the 14th year of the reign of our lord Charles the 2d, &c. before R. Foster, knight, chief justice of the said lord the king, assigned to hold pleas before the king himself and J. Archer, serjeant at law, justices of the said lord the king, assigned to deliver his goal of the county of Somerset, of the prisoners being therein, and to preserve the peace in the said county, and also assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated. by the oath of H. W. esquire, J. H. esquire, and 15 others good and lawful men of the county of Somerset aforesaid, impaneled, sworn and charged to enquire for the said lord the king and for the body of the county aforesaid, it is presented that Peter Stone of W. in the county of S. aforesaid, glazier, on the 28th day of March, in the 14th year of the reign of our lord Charles 2d, &c. with force and arms, &c. at Houlston in the said county in the kings high way there, in and upon Edward Ivy and Joan Plympton widow, in the peace of God and of the said lord the king, then and there being, then and there * did make an assault and affray, and therein the said E. I. and J. P. in bodily fear of their lives did put, and thirty pounds in monies numbered of the goods and chattels and monies of the said J. P. in the king's high way, then there found; from the person of the said J. E. then and there feloniously and violently did steal, take and carry away against the peace of the said lord the now king his crown and dignity, &c. and afterwards to wit, on the 9th day of August in the 14th year aforesaid, at the said general delivery of the goal of the lord the king of the said county held at the city of Wells, in the said county before R. F. and J. A. the justices aforesaid, the said P. S. by G. S. esquire, then and there sheriff of the county aforesaid, was brought to the bar in his proper person, and forthwith being demanded of the premises above charged against him, how he will acquit himself thereof saith that he is not guilty thereof,

The return.

The record.

Caption.

Indictment
against
Stone for
assaulting
and putting
in fear Ivy
and Plympton
* P. 289
top and tail
ing from
Ivy 30. of
the money
of Plympton

Plead not
guilty.

Attainders for Treason, &c.

thereof, and thereof for good and evil puts himself upon the county, and S. W. esquire, who for the lord the king in this behalf prosecutes doth the like, &c. whereupon the sheriff of the county aforesaid. was commanded that he cause to come immediately 12, &c. of the neighbourhood of Houlston, aforesaid, in the county aforesaid, and who neither, &c. to recognize, &c. and thereupon H. A. W. B. and 10 others, jurors by the said sheriff or this purpose impaneled being called come, who being elected, tried and sworn to speak the truth of and concerning the premises say upon their oath aforesaid, that the said P. S. is guilty of the premises in the indictment aforesaid, above against him charged, in the manner and form as by the said indictment above against him is supposed, and that he the said P. S. at the time of the commission of the felony and robbery in the indictment aforesaid, specified or any time afterwards, had no goods or chattels, lands or tenements to the knowledge of the said jurors, and thereupon the said P. S. being asked by the justices aforesaid, if he hath or knoweth any thing to say for himself, wherefore the court and justices here, &c. ought not to proceed to judgment and execution of and upon the premises against him the said P. S. which P. S. saith nothing further except as before he hath said, therefore it is considered by the said justices and the court here that the said P. S. be hanged by his neck until that, &c. And afterwards to wit, at the same general delivery of the goal of the lord the king, of his said county of Somerset, held at the city of Wells aforesaid, in and for the said county on the said 9th day of August, in the 14th year aforesaid, before the said justices, by the oath of good and lawful men of the said county of Somerset, before that time impannelled, sworn and charged to enquire for the said lord the king and for the body of the said county it is also presented, that P. Stone of W. in the county aforesaid, glazier, on the 28th day of March in the 14th year of the reign of our lord Charles the 2d, &c. with force and arms, &c. at H. in the said county in the king's highway there in and upon Edward Ivy and Joan Plympton widow, in the peace of God and of the said lord the now king, then and there being, feloniously did make an assault, and them the said E. I. and J. P. in bodily fear of their lives did put, and 30l. in monies numbered of the goods and chattels and monies of the said J. P. in the king's highway there found from the person of the said E. I. then & there feloniously and violently did steal, take and carry away against the peace of the said lord the now king his crown and dignity, &c. And the jurors aforesaid, upon their oath aforesaid, further present, that E. I. of W. in the county aforesaid, gent. before the felony and robbery aforesaid, in the form aforesaid, committed and perpetrated to wit, on the 27th day of March, in the 14th year aforesaid,

Venue faile
awarded.

Verdict
guilty.

Judgment
of execution

Another in-
dictment
preferred a-
gainst Stone
at the same
sessions of
goal delivery
for the same
robbery as
principal.

And against
Edward Ivy
as accessory
before the
fact.

Attainders for Treason, &c.

* P. 290 aforeſaid, at W. aforeſaid, in the ſaid county * him the ſaid P. S. feloniously to commit the felony and robbery aforeſaid, in the manner and form aforeſaid, with force and arms, &c. feloniously did ſtir up, move, abet, counſel and procure; and the ſaid E. I. after the felony and robbery aforeſaid, in the manner and form aforeſaid, ſo committed and perpetrated, to wit, on the ſaid 28th day of March, in the 14th year aforeſaid, he the ſaid E. I. knowing the ſaid P. S. the felony and robbery aforeſaid, in the manner and form aforeſaid, ſo to have committed and perpetrated, the ſaid P. S. at W. aforeſaid, in the county aforeſaid, with force and arms, &c. feloniously did receive harbour, maintain and comfort againſt the peace of the ſaid lord the now king his crown and dignity, &c. and afterwards to wit, on the 9th day of Auguſt, in the 14th year aforeſaid, at the ſaid general delivery of the goal of the lord the king held at the city of Wells, in and for the ſaid county, before the ſaid juſtices, the ſaid Edward Ivy, by the ſaid G. S. then ſheriff of the county aforeſaid, in like manner was brought to the bar in his proper perſon, and forthwith being demanded of the premiſſes above charged againſt him, how he will acquit himſelf thereof, ſaith, that he is not guilty thereof, and thereof for good and evil puts himſelf upon the country, and the ſaid S. W. who for the lord the king in this behalf proſecutes, doth the like, &c. whereupon the ſheriff of the ſaid county was commanded, that he cauſe to come before the ſaid juſtices immediately, 12, &c. of of the neighbourhood of H. aforeſaid, in the county aforeſaid, and who neither, &c. to recogniſe, &c. and thereupon J. C. T. C. and 10 other jurors by the ſaid ſheriff for this purpoſe impanelled, being called come, who being elected tried and ſworn to ſpeak the truth of and concerning the premiſſes ſay upon their oath, that the ſaid E. I. is guilty of the premiſſes in the indictment aforeſaid above to him charged, in the manner and form as by the ſaid indictment above againſt him is ſuppoſed, and that he the ſaid E. I. at the time of the committing of the ſaid felony and robbery in the ſaid indictment ſpecified, or at any time afterwards, had no goods or chattels, lands or tenements to the knowledge of the ſaid jurors; and thereupon the ſaid E. I. being asked by the ſaid juſtices, if he hath or knoweth any thing to ſay, wherefore the court and juſtices here, &c. ſhould not proceed to judgement, and to execution of and upon the premiſſes, againſt him the ſaid E. I. which E. I. then ſaith nothing farther, except as before he hath ſaid; therefore it is conſidered by the ſaid juſtices of the court here, that the ſaid E. Ivy be hanged by the neck until that, &c. And afterwards, to wit, on the ſaid 9th

And as ac-
ceſſary after
the fact.

Ivy pleads
not guilty.

Verdict that
Ivy is guilty

Judgment.

Attainders for Treason, &c.

9th day of August, in the 14th year aforesaid, at the said general delivery of the goal, of the lord the king, of the county aforesaid, held at the city of Wells aforesaid, in the county aforesaid, before the said justices, the execution of the said judgment upon the said P. Stone and E. Ivy, by the special warrant or mandate of the lord the king was respited until that, &c. And afterwards the said P. S. and E. I. by letters patent of the lord the king, made under the great seal of England were pardoned, and at the general delivery of the goal of the lord the king, of his county of Somerset, of the prisoners being therein held at the city of Bath, in and for the said county, on Wednesday to wit, the 24th day of August, in the 16th year of the reign of our lord Charles the 2d, &c. before Matthew Hale, knight, chief baron of the Exchequer of the said lord the king, and John Archer, knight, one of the Justices of the said lord the king of the bench, being justices of the said lord the king, assigned to deliver his goal of his county of Somerset, of the prisoners being therein, and to preserve the peace in the said county, and also assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county, they the said P. S. and E. I. being asked and each of them being asked by the justices aforesaid, if they * have or know any thing to say for themselves, or if either of them hath or knoweth any thing to say for himself, wherefore the court and justices here, &c. should not proceed to judgment upon the premises against them, the said P. S. and E. I. and each of them, they the said P. S. and E. I. severally pray the benefit of the said letters patent, of the said lord the king, to be granted to them in this behalf, and it is granted to them, &c. And now to wit, on the Saturday next after one month of Easter, before the lord the king at Westminster, comes the said Edward Ivy, in his proper person, who is committed to the marshal, &c. and immediately saith, that in the record and process aforesaid, and also in the giving of the judgment aforesaid, there is manifest error in this, to wit, That it doth not appear by the said record, that the said Joan Plympton, at the time of the perpetration of the felony and robbery aforesaid, was put in bodily fear of her life, but that the said Joan Plympton, was put in bodily fear of her life, and the words "*then and there*" are omitted, therefore in that there is manifest error, also there is error in this, to wit, That in the writ of venire facias juratores, the sheriff of the county of Somerset, *was* commanded that he cause to come 12, &c. whereas it ought to be *is* commanded, —and who neither to the said lord the king, nor to the said Edward

Execution of both respited.

Letters patent of pardon for both

*P. 291

And they plead their pardon at the assizes.

Assignment of error.

Attainders for Treason, &c.

Edward Ivy are in any wise of kin, whereas this word "*neither*," ought to have been omitted; and in that there is manifest error; therefore he prays, that the judgment aforesaid, for the errors aforesaid, and others in the record and process aforesaid being found, may be reversed, annulled, and be entirely held for nought; and that he may be restored to the Common Law of this kingdom of England, and to all things which he hath lost by occasion of the said judgment; and that the court here may proceed to the examination of the record and process aforesaid, &c. And because the court of the said lord the king here are not yet advised to give their judgment of and upon the premisses; day thereupon is given to the said E. I. in the state in which now, &c. until Monday in five weeks of Easter, and so from day to day, until, &c. before the said lord the king wheresoever, &c. to hear their judgment thereon, &c. And thereupon by the special favour of the court, the said E. I. is delivered on bail to J. Robins of, &c. and W. Stowe of, &c. until Monday in five weeks of Easter, and so from day to day until, &c. to prosecute his writ of error with effect, to wit, each of the bail under the penalty of 200*l*. which, &c. And because it seems to the court here necessary and expedient before the court here may proceed in this behalf, that as well the tenants of the lands and tenements which were of the said E. I. on the said 28th day of March, in the 14th year of the reign of our lord, &c. or at any time after as the lords of whom the said lands and tenements mediately or immediately are holden, should be forewarned to be before the lord the king, to hear the record and process aforesaid if they shall think fit, therefore the sheriff of the county of Somerset is commanded that he do not omit, &c. but that by good and lawful men of his bailiwick, he give notice to the tenants of the lands and tenements which were of the said E. I. on the said 28th day of March, in the 14th year aforesaid, or at any time afterwards, as also to the lords of whom the said lands and tenements mediately or immediately may be holden, that they be before the lord the king at Westminster, on the morrow of the Holy Trinity, wheresoever, &c. to hear the record and process aforesaid, if, &c. At which morrow of the Holy Trinity, before the lord the king at Westminster, T. Warr, esquire, then sheriff of the county of Somerset, returns that he by J. Pitman and J. Porter, good and lawful men of his bailiwick, hath given notice to William * Ivy, John King, Francis Ditty and John White otherwise Forsky, tenants of one Messuage, called the Winchoop, 40 acres of land, twenty acres of Meadow, and 40 acres of Pasture, with the appurtenances, situate, lying and being in the parish of W. in the county of Somerset, which were the lands and tenements of the said

Curia non-
dum advisa-
tur.

Ivy bailed.

Scire facias
to the ter-
tenants and
lords.

Sheriff re-
turns 4 ten-
ants warned.

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said E. I. within named; and of which the said E. on the day
 of the giving of the judgment and afterwards was seized in
 his demesne as of fee, that they be before the lord the king
 within written at the day and place within contained, to hear
 the record in the form within written, and further to do and
 receive as the said writ in itself commands and requires. And
 now to wit, on the Tuesday after the morrow St. Martin, in
 this same term before the lord the king at Westminster, come
 the said J. K. F. D. J. W. otherwise F. and W. J. by B.
 B. their attorney, and having heard the record and the said
 writ of seire facias, the said J. K. saith that he is not, nor on
 the day of the issuing of the said writ of seire facias in this
 behalf, or at any time after, was tenant of the freehold or free-
 holds aforesaid; in the said return mentioned, nor of any part
 thereof, and this he is ready to verify, wherefore, &c. and the
 said F. D. saith, that he is not, nor on the day of the issuing
 of the said writ of seire facias in this behalf, or at any time
 afterwards was tenant of the freehold or freeholds in the re-
 turn aforesaid mentioned, nor of any part thereof, and this he
 is ready to verify, &c. wherefore, &c. and the said J. W.
 otherwise F. saith that he is not, nor on the day of the issuing
 of the said writ of seire facias in this behalf or at any time
 afterwards was tenant of the freehold or freeholds aforesaid,
 in the return aforesaid, mentioned nor of any part thereof and
 this he is ready to verify, &c. wherefore, &c. and the said W.
 Ivy prays oyer of the said writ of seire facias, and it is read to
 him in these words, to wit, Charles the 2d by the grace of
 God, &c. to the sheriff of Somerset greeting, because in the
 record and process and also in the giving of judgment against
 Edward Ivy of W. in your county gentleman, for a certain
 felony and robbery on the 7th day of March in the 14th year
 of our reign supposed to be committed by one Peter Stone,
 whereof the said Edw. as accessory is convicted and attainted,
 manifest error hath intervened to the great damage of the said
 Edw. Ivy, as by inspecting of the record and process aforesaid,
 before us remaining evidently appears, we willing that the
 error if any there hath been in the due manner be corrected,
 and that full and speedy justice be done to the said E. in this
 behalf, command you that you do not omit because of any liber-
 ty in your bailiwick, but that by good and lawful men of
 your said bailiwick, you give notice severally as well to the
 tenants of the lands and tenements which were of the said E.
 on the said 13th day of March, in the 14th year aforesaid, or
 ever afterwards, as to the lords of whom the said lands and
 tenements mediately and immediately are holden, that they be
 before us on the morrow of the holy Trinity, wheresoever we
 shall then be in England, to hear the record and process if
 they shall think fit, and further to do and receive what our

All the ten-
 an's appear
 and 3 plead
 non tenure.

Wm. Ivy
 the 4th ten.
 ant prays
 Oyer of the
 writ of Se-
 ire Facias

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prays Oyer
of the Re-
turn

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Wm. Ivy
pleads to
the Scire
Facias,
that after
the 28th of
March, in
the 14th
year of the
king afore-
said, and be-
fore the su-
ing out of
the writ of
error, Edw.
Ivy released
the premises
to him and
prays judg-
ment, that
Edw. Ivy
may not be
restored, &c.

court in that behalf shall consider, and that you have there then the names of those by whom you so shall give notice, and this writ; witness F. Pemberton, &c. And he prays also oyer of the return of the said writ, and it is read to him in these words, to wit, By virtue of this writ to me directed by J. Pitman and J. Porter, good and lawful men of my bailiwick, I have given notice to W. Ivy, J. King, F. Ditty and J. White, otherwise Fority, * tenants of one messuage, called the Winchoop, 40 acres of meadow and 40 acres of pasture with the appurtenances situate, lying and being in the parish of W. in the county of Somerset, which were the lands and tenements of the within named Edward Ivy, and of which the said Edward, on the day of the giving of the said judgment, and afterwards was seized in his demesne as of fee, that they be before the lord the king within written, at the day and place within contained, to hear the record in the form aforesaid within written, and further to do and receive as that writ in itself commands and requires; Which being read and heard, the said William Ivy saith, that he the said William Ivy on the said time of the issuing of the said writ of Scire Facias, to wit, on the said 3d day of May, in the 34th year of the reign of our lord Charles the 2d. &c. was and is sole tenant of the tenements aforesaid, with the appurtenances in the return aforesaid specified, but the said W. I. further saith, that after the said judgment, in the manner and form aforesaid, against the said Edward Ivy given, and before the suing out of the said writ, for the correcting of errors, to wit, on the 20th day of January, in the 16th reign of our said lord the now king, he the said William Ivy was seized of and in the said messuage and tenements aforesaid, whereof he the said W. is returned to be tenant in his demesne as of fee; and he the said W. I. so being seized, he the said E. I. in the record aforesaid named, after the said 28th day of March, in the 14th year of the reign of the said lord the now king aforesaid, and before the day of the suing the said writ, for the correcting of errors in this behalf, to wit, on the said 20th day of January, in the 16th year of the reign of the said lord the now king aforesaid, at W. aforesaid, in the county aforesaid, by his certain writing of release, which the said William brings into court here, sealed with the seal of the said E. the date of which is the said day and year, did remise, release, and for ever quit claim to the said W. and his heirs [the said W. then being in full and peaceable possession, and seized of the tenements aforesaid, with the appurtenances in the said return specified] all the estate, title, interest, claim and demand whatsoever, which the said E. I. or his heirs then had, or at any time from that time afterwards might have, claim or pretend to have of, in, or to the said tenements, with the appurtenances; and this the said W. I. is ready to verify, wherefore he

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he prays judgment, and that the said E. I. may not be restored to the said tenements, in the said return of the said writ of Scire Facias mentioned, nor to any part thereof, &c. And the said Edward Ivy comes in his proper person according to his recognizance in this behalf before acknowledged, and saith, that he by any thing by the said W. I. before alledged ought not to be precluded from the restitution of the said tenements, because protesting that he the said Edward Ivy, at the time of the making of the said writing of release, was within the age of 21 years, and protesting also, that at the time of the making of the said writting, the said William Ivy was not seized of the said tenements, for plea saith, that the said plea of the said W. I. in the form aforesaid above pleaded, and the matter in the same contained, are not sufficient in law, to which he hath no necessity, neither is he bound by the law of the land in any manner to answer; wherefore for want of a sufficient plea of the said W. in this behalf, the said E. I. prays judgment, and that he to the tenements aforesaid in the return of the said writ of Scire Facias mentioned, may be restored, &c. And the said W. I. by his attorney aforesaid comes and saith, that the said plea by him, the said W. Ivy, in the manner and form aforesaid pleaded, and the matter in the same contained, are good and sufficient in law to preclude the said E. I. from having restitution of the tenements aforesaid, in the said return of the said writ of Scire Facias mentioned, and this he is ready to verify, wherefore the said W. I. prays judgment, and that the said E. I. may not be restored to the said tenements, in the said return of the writ of Scire Facias mentioned; nor to any part thereof, &c. &c. &c.

Ed. Ivy by protesting that he was an infant at the time of the release, and that Wm. Ivy was not then seized, demurs to the plea.

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Joinder in Demurrer.

The King against Holles and others.

Michaclmas, 10th Charles 2d. Roll 75.

BE it remembered that Robert Heath, knight, Attorney-general of the lord the now king, who for the said lord the king, in this behalf prosecutes, in his proper person came here into the court of the said lord the king, before the king himself at Westminster, on the Wednesday next after the morrow of All Souls, in that same term, and for the said lord the king, brought here into the court of the said lord the king, before the king himself, then there,

An information in the King's bench against Sir J. Elliot, Ben. Valentine and Dengill Holles, esqrs. members of

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the house of a certain information against John Elliot, late of London, commons. knight, Benjamin Valentine, late of London, esquire, and for several. Denzill Holles, late of London, esquire, which follows in speeches in these words, to wit, Be it remembered that Robert Heath, the said knight, Attorney-general of the lord the now king, who house; and for the said lord the king, in this behalf prosecutes, in his assaulting the Speaker, proper person, comes here into the court of the said lord the king, before the king himself, at Westminster, on the and forcing him to sit in Wednesday next after the morrow of All Souls, in this same the chair after term, and for the said lord the king, gives the court here to the king, for divers weighty and urgent affairs, concerning had signified the said lord the king, and the state and defence of his king- that the house should be adjourn- ed. dom of England, and the church of England, had ordained that his certain parliament should be held at his city of Westminster aforesaid, and whereas thereupon his certain parliament, in the due manner was begun and held at Westminster aforesaid, on the 17th day of March, in the 3d year of the reign of the said lord the king, and there by divers prorogations continued until the 10th day of March, in the 4th year of the reign of the said lord the king, on which 10th day of March, the said parliament was dissolved, and whereas before the said 17th day of March, in the 3d year aforesaid, to wit, on the 16th day of March, in the 3d year aforesaid, John Elliot, late of London, knight, in the due manner was elected and returned one of the knights for the county of Cornwall, to serve in the said parliament, and whereas also, Benjamin Valentine, late of London, esquire, on the said 16th day of March, in the 3d year aforesaid, in the due manner was elected and returned one of the burgesses for the borough of St. Germain's, in the said county of Cornwall, to serve in the said parliament; and whereas also, Denzill Holles, late of London, esquire, on the said 16th day of March, in the 3d year aforesaid, in the due manner was elected and returned one of the burgesses for the borough of Dorchester, in the county of Dorset, to serve in the said parliament. And whereas, also, John Finch, kt. on the said 16th day of March, in the 3d year aforesaid, in the due manner was elected and returned one of the citizens, for the city of Canterbury, to serve in the said parliament; * And whereas on the said 16th day of March, in the 3d year aforesaid, the said John Finch at Westminster aforesaid, in the due manner was elected and constituted Speaker for the commons in the said parliament, and so did continue Speaker for the commons until the dissolution of the said parliament; and that the said John Elliot, devising and intending as much as in him lay, discord, ill-will, murmurings and seditions, as well between the said lord the king and his nobles, prelates, peers and justices of the kingdom of England, as between the said

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said nobles, prelates, peers and justices of the said lord the king, and his other subjects, to sow, procure and stir up, and the rule and government of this kingdom of England, as well in the said lord the king as in his counsellors and servants of every kind, totally to deprive and weaken, and tumult and confusion in all states and parts of this kingdom of England, to introduce, and to the intent that the true and liege subjects of the said lord the king might withdraw their cordial love from the said lord the king: in and during the parliament aforesaid, to wit, on the 23d day of February, in the 4th year aforesaid, at Westminster aforesaid, in the commons house of parliament there, and during the sitting of the said house, the knights, citizens and burgessees then and there being assembled, and in their presence and hearing falsely, maliciously and seditiously these false, feigned, malicious and scandalous English words, with a loud voice did say and publish to wit, "*The king's privy council, all his judges, and his council learned, have conspired together to trample under their feet, the liberty of the subjects of this realm, and the privileges of this house,*" (meaning the privileges of the said commons house of parliament) of summoning parliament and of continuing, adjourning, proroguing and dissolving the same, belongs to the lord the king, and of right appertains to his will and good pleasure; and whereas the said lord the king, for divers weighty reasons specially moving him to this on the 2d day of March, in the 4th year aforesaid, did ordain that the said parliament should be adjourned, from the said 2d day of March, until the 10th day of the said month of March, then next ensuing; And the said lord the king on the 2d day of March in the 4th year aforesaid, at Westminster aforesaid, did command the said John Finch, then the Speaker aforesaid, that he on the said 2d day of March, to the knights, citizens and burgessees in the commons house of parliament then and there assembled, the good pleasure of the said lord the king should signify and make known, that immediately after that signification so made, the said commons house, by the said knights, citizens and burgessees, should be adjourned until the 10th day of March then next ensuing; and thereupon the said John Finch on the said 2d day of March, at Westminster aforesaid, to the knights, citizens and burgessees in the said commons house of parliament then and there assembled, during the sitting of the said house, publicly did signify and make known the said good pleasure of the said lord the king, that the said house immediately after that signification made, should be adjourned by themselves, until the said 10th day of March, and that the said John Elliot, B. Valentine, and Denzill Holles, at the time of the said signification, by the said Speaker,

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Speaker, in the form aforesaid made, were present in the commons house aforesaid, and then. and there did hear the said signification, and the same did well understand, * nevertheleſs the ſaid J. E. B. V. and D. H. on the ſaid ſecond day of March, in the fourth year aforesaid, at Weſtminſter aforesaid, maliciously did agree and among themſelves did conſpire to diſturb the knights, citizens and burgeſſes of the ſaid commons houſe of parliament, in the ſaid houſe at Weſtminſter aforesaid, then and there aſſembled, leſt that they according to the good pleaſure of the ſaid lord the king, to them as aforesaid, ſignified ſhould adjourn themſelves; and the ſaid J. E. according to the agreement and conſpiracy aforesaid, and for the malicious purpoſes and intentions aforesaid, afterwards to wit, on the ſaid 2d day of March in the 4th year aforesaid, at Weſtminſter aforesaid, in the ſaid commons houſe of parliament, in the preſence and hearing of the ſaid knights, citizens and burgeſſes, then and there aſſembled with a loud voice, falſely, maliciously and ſeditiouſly did ſay and publiſh theſe falſe, feigned, ſcandalous, malicious and ſeditious Engliſh words following

“ The miſerable condition we are in, loth in matters of religion and policy, makes me look with a tender eye, both to the perſon of the king and the ſubject: you know how Arminianism doth undermine us, and how popery comes upon us ſo openfaced, as it gives a terror to the law; that particularly concerning the plantation of Jeſuits amongſt us, and other things incident thereto do manifeſtly ſhew it. And not only theſe men who are actors themſelves, I mean the Jeſuits, but thoſe that are their great maſters and ſautors, they have the power of the law, and dare check magiſtrates in the execution of their duties; from them it comes, that we ſuffer their guilt, and the fear of puniſhment that may befall them, brings us upon theſe rocks; there are among them ſome prelates of the church, the great biſhop of Wincheſter and his fellows, it is apparent what they have done to caſt an aſperſion upon the honour and piety and goodneſs of the king; theſe are not all, but is extended to ſome others, who I fear in guilt and conſcience of their own ill deſerts, do join their power with that biſhop and the reſt to draw his majeſty into a jealouſy of the parliament, amongſt them I ſhall not fear to name the great lord treaſurer, in whoſe perſon is I fear contracted all that which we ſuffer; if we look into religion and policy I find him building on the ground laid by the duke of Bucks, his great maſter, from him I fear came thoſe ill councils which contracted that unhappy concluſion of the laſt ſeſſion of parliament, and whoever ſhall go about to break parliaments, parliament ſhall break him; I find that not only in the affections of his heart but alſo in relation to him he is the head of the popiſts, they and their prieſts and Jeſuiſts have all relation to him, and I doubt not to fix it indubitably upon him, and ſo from the greatneſs and power of him, comes the danger of,

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our religion, for policy in that great question of tonnage and poundage, that interest that is pretended to be the king's is but the interest of that person to undermine the policy of the government and thereby to weaken the kingdom; it was the counsel of Hospitalls, chancellor to Charles the 9th king of France, that the way to weaken this kingdom was to impeach the trade * of it, and so to lay our walls waste *P. 297 and open, and I doubt not but by the disquisition of a few days to prove that his labours are to undermine us; that he invites strangers to come in and drive our trade, or at least our merchants to trade in strange bottoms, which is as dangerous; and this is that which imprints this fear in his person, and makes him to misinterpret our proceedings to his majesty, now therefore it will be fit for true Englishmen to perform their duties and shew their desire of the safety both of the king and of the kingdom, and to resolve to defend the sincerity of our religion, and to declare our resolutions also for the defence of the subject, whereby we may declare ourselves to be freemen, and so the more wealthy and able to supply his majesty on all occasions, and that we should declare all that we have suffered, to be the effect of new counsels to the ruin of the government of this state, and to make a protestation against all those men whether greater or subordinate, that they shall all be declared capital enemies to the king and kingdom, that will persuade the king to take tonnage and poundage without grant of parliament; and that if any merchants shall willingly pay those duties, without consent of parliament, they shall be declared as accessaries to the rest." And that the said D.H. according to the agreement and conspiracy thereon between him and the said J. E. and B. V. before had as aforesaid, afterwards to wit on the said 2d day of March in the 4th year aforesaid, at Westminster aforesaid, in the said commons house of parliament, the knights, citizens and burgessees then and there being assembled, in their presence and hearing with a loud voice falsely, maliciously and seditiously did say and publish these false, malicious, pernicious and seditious English words following to wit, "whoever shall counsel the taking up of tonnage and poundage without an act of parliament, let him be accounted a capital enemy to the king and kingdom, and what merchant soever shall pay tonnage and poundage without an act of parliament, let him be accounted a betrayer of the liberties of the subject, and a capital enemy to the king and kingdom." And that the said B. V. and D. H. according to the agreement and conspiracy aforesaid, thereon between them and the said J. E. before had for the intentions and purposes aforesaid, and for the intention that the said J. E. and D. H. the said false, malicious, scandalous and seditious words aforesaid, in the form aforesaid, and for the intentions and purposes aforesaid, by them on the said 2d day of March in the 4th year aforesaid, spoken and published as aforesaid, might speak and publish, on the said 2d day of March, after the signification aforesaid, of the said good pleasure

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 fure of the said lord the king, for making the adjournment of the said commons house of parliament as aforesaid, by the said speaker made, and before the speaking and publishing of any of the words aforesaid, by the said J. E. and D. H. on the said 2d day of March as aforesaid, spoken and published, he the said John Finch the speaker aforesaid, then and there being in a certain chair called the Speaker's chair in the said house, & endeavouring to go out of the said chair according to the command of the said lord the king, to him in that behalf before given, in and upon the * said John Finch, then and there in the peace of God and of the said lord the king being, with force and arms and with a strong hand and unlawfully did make an assault, and the said John Finch did ill-treat, and the said John French in the said chair against his will with strong hand and unlawfully did detain; and that afterwards on the said 2d day of March, and before the speaking and publishing of any of the words aforesaid, by the said J. E. and D. H. spoken and published on the said 2d day of March in the 4th year aforesaid, he the said J. F. the said speaker at Westminster aforesaid, in the house aforesaid, then being out of the said chair, in and upon the said J. F. and then and there in the peace of God and of the said lord the king being, did make an assault, and the said J. F. did ill-treat and violently and with strong hand, and unlawfully against his will into the said chair, did drag, thrust and force, whereby a great tumult and a dangerous commotion and confusion in the commons house aforesaid, and great terror to the said knights citizens and burgeses then and there assembled, then and there were moved and stirred up, against the duty of their allegiance, in great contempt and to the manifest disherison of the said lord the king and in derogation of his person, rule and royal prerogative, and in subversion of the laws and state of this kingdom of England and to the great scandal, and dishonour of the counsellors of the privy council of the lord the king, and of the nobles, prelates and peers of this kingdom of England, and of the justice and the justices of the said lord the king, and to the disturbance and terror of the commons in the said parliament so as aforesaid assembled, and also to the evil and pernicious example of all others in the like case offending, and against the peace of the said lord the king his crown and dignity, &c. and also against the form of the statute, &c. wherefore the said attorney, &c. whereupon the sheriff was commanded that he do not omit, &c. but that he cause them to come to answer, &c.

The
 Defendants
 severally
 plead that
 they were
 members of

And now to wit, on the Tuesday next after the octave of St. Martin, in this same term, before the lord the king, at Westminster, come the said J. E. knight, B. V. and D. H. in their proper persons, and the said J. E. having heard the said

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said information, he the said J. as to the supposed trespass, contempt and offence aforesaid, in the said information mentioned, in speaking and publishing the said English words, in the information aforesaid above recited, and to the said J. by the said information, in the form aforesaid charged, saith, that he doth not apprehend that the said lord the king, of or for the said supposed trespass, contempt and offence to him the said J. so charged, in the court of the said lord the now king here, will or ought to be answered, because he saith that the supposed offence, trespass and contempt, in speaking and publishing the said English words, in the said information mentioned, and to the said J. in the form aforesaid charged, in parliament, and not in the court of the lord the now king, here ought to be heard and determined, &c. And the said John further saith, that he on the said 16th day of March, in the 3d year aforesaid, in the information aforesaid mentioned, in the due manner was elected and returned, one of the knights for the county of Cornwall, to serve in the said parliament, as in the said information is above mentioned, and that the said John at the time of the supposed offence, trespass and contempt aforesaid, in speaking and publishing the said English words, to him the said John in the form aforesaid charged, and during the whole time of the parliament aforesaid, at Westminster aforesaid, was and remained one of the knights for the county of Cornwall, in the said parliament, and this he is ready to verify: wherefore because in the information aforesaid, it evidently and plainly appears, that the supposed trespass, contempt and offence aforesaid, in speaking and publishing the said English words, to the said John in the form aforesaid charged, and by the said information supposed to be committed, was committed in the said commons house of parliament aforesaid, in the parliament aforesaid, he the said J. prays judgment, if the said lord the now king here, of the contempt, trespass and offence aforesaid, as to the English words aforesaid, by him the said J. in the parliament aforesaid, in the form aforesaid, supposed to be spoken and published, in the court of the said lord the now king, here will or ought to be answered; and as to the entire residue of the supposed offence, trespass and contempt, in the information aforesaid mentioned, to the said J. in the form aforesaid charged, he the said J. saith that he doth not apprehend that the said lord the now king, of or for the said residue of the offence, trespass and contempt aforesaid, in the said information mentioned, to the said J. in the form aforesaid, above charged in the court of the said lord the now king here, will or ought to be answered, because he saith that the residue of

parliament, that the offences were committed in parliament and ought there to be heard and determined, and not in the King's-bench.

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the said supposed offence, trespass and contempt, in the information aforesaid above specified, to him the said John by the said information, in the form aforesaid charged, in parliament and not in the court of the lord the now king, here ought to be heard and determined; and the said John further saith, that he on the said 16th day of March, in the 3d year aforesaid, in the information aforesaid mentioned, in the due manner was elected and returned one of the knights to serve for the county of Cornwall, in the said parliament, as by the said information is above mentioned, and that the said J. at the time of the residue of the supposed offence, trespass and contempt aforesaid, to him in the form aforesaid charged, and during the whole time of the said parliament, at Westminster aforesaid, was and remained one of the knights for the said county of Cornwall, in the said parliament, and this he is ready to verify, wherefore and because that in the said information it evidently and fully appears, that the said residue of the said supposed offence, trespass and contempt aforesaid, in the information aforesaid mentioned, to the said J. in the form aforesaid charged, by the said information supposed to be committed, was committed in the said commons house of parliament aforesaid, in the parliament aforesaid, the said John, prays judgment if the said lord the now king of the residue of the said supposed trespass, contempt and offence aforesaid, in the information aforesaid mentioned, to the said J. in the form aforesaid charged, in the said parliament, in the form aforesaid, supposed to be committed, in the court of the said lord the now king, here will or ought to be answered. &c.

Valentine's
Plea.

And the said Benjamin Valentine having heard the information aforesaid, he the said Benjamin saith, that he doth not apprehend that the said lord the now king, of or for the supposed offence, trespass and contempt aforesaid, in the information aforesaid mentioned, to the said B. by the said information charged, in the court of the said lord the now king here, will or ought to be answered, because he saith that the said supposed offence, trespass and contempt, in the information aforesaid mentioned, to the said B. by the said information in the form aforesaid charged, in the parliament, and not in the court of the said lord the now king here ought to be heard and determined; and the said B. further saith, that he on the said 16th day of March, in the 3d year aforesaid, in the information aforesaid * mentioned, in the due manner was elected and returned one of the burgesses for the said borough of St. Germans, in the said county of Cornwall, to serve in the said parliament, as by the said information is above mentioned, and that the said B. at the time of the supposed trespass, offence and contempt aforesaid,

*P. 300.

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aforesaid, to him in the form aforesaid charged, and during the whole time of the said parliament, at Westminster aforesaid, was and remained one of the burgeses for the said borough of St. Germans, in the said parliament, and this he is ready to verify; wherefore and because that in the said information, it well and evidently appears, that the supposed offence, trespass and contempt aforesaid, in the information aforesaid mentioned, to the said B. in the form aforesaid charged, by the information aforesaid supposed to be committed, was committed in the said commons house of parliament aforesaid, the said B. prays judgment, if the said lord the now king of the offence, trespass and contempt aforesaid, is to him charged and by him the said B. in the parliament aforesaid, in the form aforesaid supposed to be committed, in the court of the said lord the now king here, will or ought to be answered, &c. &c.

And the said Denzill Holles having heard the information aforesaid, he the said D. as to the supposed trespass, offence and contempt aforesaid, in the said information mentioned, in speaking and publishing the said English words in the information aforesaid above recited, and to the said D. by the information aforesaid, in the form aforesaid charged, saith, that he doth not apprehend that the lord the now king of or for the said supposed trespass, offence and contempt to the said D. so charged, in the court of the said lord the now king here, will or ought to be answered, because he saith that the said supposed offence, trespass and contempt, in speaking and publishing the said English words in the information aforesaid mentioned, to the said D. in the form aforesaid charged, in the parliament, and not in the court of the said lord the now king here, ought to be heard and determined, &c. And the said D. further saith, that he on the said 16th day of March, in the 3d year aforesaid, in the information aforesaid mentioned, in the due manner was elected and returned one of the burgeses for the said borough of Dorchester, in the said county of Dorset, to serve in the parliament aforesaid, as in the said information is above mentioned, and that the said D. at the time of the supposed offence, trespass and contempt aforesaid, in speaking and publishing the said English words, to the said D. in the form aforesaid charged, and during the whole time of the parliament aforesaid, at Westminster aforesaid, was and remained one of the burgeses for the said borough of Dorchester, in the said parliament, and this he is ready to verify; wherefore and because that in the said information it evidently and fully appears, that the supposed offence, trespass and contempt aforesaid, in speaking and publishing the

Holles's plea

Attainders for Treason, &c.

*P. 301.

faid English words, to the faid D. in the form aforefaid charged, by the faid information fupposed to be committed, was committed in the faid commons house of parliament, aforefaid, in the faid parliament, the faid D. prays judgment, if the faid lord the now king of the offence, trespass and contempt aforefaid, as to the faid English words aforefaid, by him the faid D. in the parliament aforefaid, fupposed to be spoken and published, in the court of the faid lord the now king here, will or ought to be answered; and as to the entire residue of the fupposed offence, trespass and contempt in the information aforefaid mentioned, * to the faid D. above in the form aforefaid charged, the faid D. faith, that he doth not apprehend that the faid lord the now king of or for the faid residue of the offence, trespass and contempt aforefaid, in the faid information mentioned, to the faid D. above in the form aforefaid charged, in the court of the faid lord the now king here, will or ought to be answered, because he faith that the faid residue of the fupposed offence, trespass and contempt in the information aforefaid above specified, to the faid D. by the faid information in the form aforefaid charged, in the parliament, and not in the court of the faid lord the now king here ought to be heard and determined; and the faid D. further faith, that he on the faid 16th day of March, in the 3d year aforefaid, in the information aforefaid mentioned, in the due manner was elected and returned, one of the burgesfes for the faid borough of Dorchester. in the faid county of Dorset, to ferve in the parliament aforefaid, as by the faid information is above mentioned; and that he the faid D. at the time of the residue of the fupposed offence, trespass and contempt aforefaid, to him in the form aforefaid charged, and during the whole time of the faid parliament, at Westminster aforefaid, was and remained one of the burgesfes for the faid borough of Dorchester in the faid parliament, and this he is ready to verif; Wherefore and because, that in the faid information it evidently and fully appears, that the faid residue of the fupposed offence, trespass and contempt aforefaid in the faid information mentioned, to the faid D. in the form aforefaid charged by the faid information fupposed to be committed, was committed in the faid commons house of parliament aforefaid, in the faid parliament, the faid D. prays judgment, if the faid lord the now king of the faid residue of the fupposed offence, trespass and contempt in the information aforefaid mentioned to the faid D. in the form aforefaid charged, in the faid parliament, in the form aforefaid fupposed to be committed in the court of the faid lord the now king here, will or ought to be answered, &c.

Demurrer
by the At-

And the faid Robert Licath, knight, who prosecutes, &c.

Attainders for Treason, &c

as to the said plea of the said J. Elliott, for the said lord the king faith, that the said plea of the said J. in the form aforesaid pleaded, and the matter in the said plea contained, are not sufficient in law, to preclude the court here from their jurisdiction, to hear and determine the offence, trespass and contempt in the information aforesaid mentioned to the said J. by the said information, in the form aforesaid charged; wherefore for want of a sufficient answer in this behalf, he prays judgment, and that the said J. to the said lord the king in the court here may answer of and upon the premises, &c.

And the said R. Heath, knight, who prosecutes, &c. as to the said plea of the said B. V. for the said lord the king faith, that the said plea of the said B. in the form aforesaid pleaded, and the matter in the same contained, are not sufficient in law to preclude the court here from their jurisdiction to hear and determine the offence, trespass and contempt aforesaid, in the said information mentioned, to the said B. by the said information, in the form aforesaid charged. Wherefore, for want of a sufficient answer in this behalf, he prays judgment; and that the said B. to the said lord the king in the court here, may answer, of and upon the premises, &c. — *And the like as to the plea of Dennis Holles.*

* And the said John Elliott, knt. as before faith, that the said plea by him, the said J. in the form aforesaid pleaded, and the matter in the said plea contained, are good and sufficient in law, to preclude the court here from their jurisdiction to hear and determine the offence, trespass and contempt aforesaid, in the said information mentioned, to the said John by the said information in the form aforesaid charged; which plea, and the matter in the said plea contained, the said J. E. knt. is ready to verify; wherefore because that the said Attorney-general of the said lord the king, for the said lord the king, to that plea hath not answered, nor it in any manner hath denied, but wholly refuses to admit that averment, he prays judgment, and that he the said John, of the offence, trespass and contempt aforesaid, in the information aforesaid mentioned, to the said John, by the said information, in the form aforesaid charged, by the court here may be discharged, &c. — *The like Joinder, word for word, by Valentine and Holles separately.*

And because the court of the lord the king here is not yet advised to give their judgment thereupon, day is given thereupon as well to the said Robert Heath, knight, who prosecutes, &c. as to the said J. E. B. V. and D. H. in the state in which now, &c. until the octave of St. Hilary, before the lord the king wheresoever, &c. to hear their judgment thereon, because the court not as yet, &c. at which octave of St. Hilary, before the lord the king at Westminster, come as well

to the
general to the
pleas severally.

*P. 302.

Joinder in
demurrer by
the defend-
ants severally.

Certain non-
advice
tut.

Attainders for Treason, &c.

Judgment
that the
pleas to the
jurisdiction
are insuffi-
cient.

Defendants
ordered to
answer over.

Day given
them to an-
swer pericu-
lis suis.

Judgment

*P. 303.

Sir John
Elliot com-
mitted to the
Tower of
London.
And Valen-
tine and
Holles to the
King's bench
prison.

well the said R. H. who prosecutes, &c. as the said J. E. B. V. and D. H. in their proper persons, and the said R. H. who prosecutes, &c. for the said lord the king prays judgment, and that the said J. E. B. V. and D. H. to the said lord the king in the court here may answer, and that each of them may answer of and upon the premises, &c. whereupon all and singular the premises being seen, read and heard, because that it seems to the court here, that the said several pleas, by the said J. E. B. V. and D. H. in the form aforesaid above plead- ed, and the matter in the said several pleas contained, are not sufficient in law to preclude the court here from their jurisdic- tion to hear and determine the offence, trespass and con- tempt aforesaid, in the information aforesaid mentioned, to the said J. E. B. V. and D. H. by the said information, in the form aforesaid charged, it is said, to the said J. E. B. V. and D. H. that they the said J. E. B. V. and D. H. to the said lord the king, in the court here answer, and that each of them answer of and upon the premises in the information a- fforesaid above contained, &c. and thereupon day is given by the court, to the said J. E. B. V. and D. H. before the lord the king, wheresoever, &c. until the Friday next after the octave of the purification of the blessed virgin Mary, to imparl to the said information, and then to answer at their peril. At which day before the lord the king at Westminster, come as well the said R. H. who prosecutes, &c. as the said J. E. B. V. and D. H. in their proper persons, and they the said J. E. B. V. and D. H. although they are often forewarned, and solemnly called to answer, say nothing in bar, or in discharge of the information aforesaid, whereby the said lord the king remains against them undefended; therefore it is considered that the said J. E. B. V. and D. H. be taken to satisfy the lord the king of their fines, by * occasion of the trespass and contempt aforesaid, & that they have their bodies imprisoned at the plea- sure of the said lord the king, and that before they be deliver- ed, that each of them find sufficient security for his good be- haviour towards the said lord the king and all his people; and that the said J. E. is committed to the lieutenant of the tower of the lord the king of London, safely to be kept, un- til that, &c. And that the said B. V. and D. H. are com- mitted to the marshall of the marshalsea of the lord the king, before the king himself, safely to be kept until that, &c.

Affeerment
of their fines

And the fine of the said J. E. is affected by the court for the occasion aforesaid, to 2000 l.—And the fine of the said B. V. is affected by the court for the occasion aforesaid, to 500 l.—And the fine of the said D. H. is affected by the court, to one thousand marks.

Afterwards

Attainders for Treason, &c.

Afterwards, to wit, on the Monday next after the octave of the purification of the blessed virgin Mary, in the 12th year of the reign of our lord Charles the now king of England, &c. before the lord the king at Westminster, comes John Banks, kt. attorney-general of the said lord the now king, who for the said lord the king now in this behalf prosecutes, and for the said lord the king, says and acknowledges, that the said D. H. hath paid and satisfied the said one thousand marks, at the receipt of the Exchequer of the said lord the king, to the use of the said lord the king, in full satisfaction of the said fine, upon him the said D. for the said offence, in the said information above named, by the court here, upon him laid, as fully appears by the constat, under the hand of Edward War-der, kt. clerk of the Rolls of the receipt of the Exchequer, of the said lord the king, here in court thewn, and the said at-torney-general of the said lord the king, for the said lord the king acknowledges the said lord the king to be thereof satisfac-tied. Therefore let the said D. H. of the said 1000 marks, go thereof quit.

The at-torrey gene-ral comes into court and acknow-leges that Hoiles has paid his fine.

Afterwards, to wit, on the Wednesday next after 15 days of Easter, in the 16th year of the reign of the said lord the now king of England, &c. before the lord the king at Westminster, came John Banks, kt. Att. gen. of the said lord the now king, in his proper person, and brought into the court of the said lord the king, before the king himself then there, a certain writ of the said lord the king, of privy seal to him and to others directed, and prayed that the said writ might be enrolled and allowed the tenor of which writ follows in these words, Charles, by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c. to the lord high-treasurer of England, chancellor, under treasurer, and barons of our Exchequer, and all other officers and ministers of the same court for the time being, and to the chief justice, and the rest of our justices of our court of King's Bench, and to our attorney general, and to all other officers and ministers of the same court for the time being, greeting. Whereas in Mi-chaelmas term, in the tenth year of our reign, upon an infor-mation in our name exhibited in our court of King's Bench, against Benjamin Valentine, esquire, and others, for divers offences, trespasses and contempts therein mentioned, the same Benjamin Valentine, by judgment of the same court, was fined to us in the sum of 500*l*. * and to be committed to our pri-son of our marshallea during our pleasure, and that he should find sufficient security for his good behaviour to us and our people, as by the said information and judgment, thereupon remaining upon record in our court of King's Bench, more at large may appear; and whereas the said B. V. hath been res-trained of his liberty since the last parliament for not satisfy-ing the said fine so imposed on him as^a afore said, now know

Afterwards the attorney general brings into court the king's letters patents under his privy seal, where-by the king remits to Valentine his fine and all the rest of the judg-ment; and prays the same may be inrolled and allowed.

*P. 304.

Attainders for Treason, &c.

ye, that we of our special grace have remised, released and quit-claimed, and by these presents for us, our heirs and successors, do remise, release and quit-claim unto the said B. V. the said fine or sum of 500*l.* by the judgment of our said court on him the said B. V. imposed as aforesaid, and all commitment, imprisonment and other matters whatsoever adjudged or inflicted upon him by our said court, for or by reason of the trespasses, offences or contempts aforesaid, wherefore we do by these presents, will and require, as well the lord treasurer, chancellor, under treasurer and barons of our Exchequer as the justices of our court of King's Bench and the officers and ministers of the said courts respectively, to whom it shall or may appertain, that they and every of them respectively at all times hereafter do forbear and utterly surcease to make or grant forth any extents, seizures, executions, or other process whatsoever, against the said B. V. his heirs, executors or administrators, or his or their lands, tenements, hereditaments, goods or chattels, for or concerning the levying of the said fine or sum of 500*l.* or any part thereof, and that they take order, as well for his full and clear discharge thereof, as of and from his commitment and imprisonment as aforesaid, and these presents or the inrollment thereof, shall be unto them and every of them to whom it shall or may appertain a sufficient warrant and discharge in that behalf; and lastly we will and by these presents authorize and require our attorney general for the time being for us, and in our behalf to acknowledge satisfaction upon record, of and for the said fine of 500*l.* on the said B. V. by judgment of our said court so imposed as aforesaid, whereby he may be fully and absolutely acquitted and discharged thereof against us, our heirs and successors, and these presents, or the inrollment thereof, shall be to our said attorney general for the time being, a good and sufficient warrant in that behalf, given under our privy seal, at our palace of Westminster, the 7th day of March, in the 15th year of our reign; and thereupon the said J. B. knight, attorney general of the said lord the king, for the said lord the king, by virtue of the writ of privy seal aforesaid, says and acknowledges that the said lord the king is fully satisfied of the said fine of 500*l.* upon him the said B. V. for the offence aforesaid, in the information aforesaid mentioned, by the court here as aforesaid imposed, and prays that the said B. V. by virtue of the said writ from his imprisonment, at the suit of the said lord the king, and of the said judgment may be discharged and dismissed; whereupon all and singular the premises being seen, and by the court here understood, it is considered by the court that the said B. V. of his fine for the offence aforesaid, in the information aforesaid, * above mentioned by the court here as aforesaid imposed, be therefore quit, and that he go thence without day, and that he

The attorney-general prays and the court gives judgment that Valentine be discharged.

Attainders for Treason, &c.

the said B. V. from his imprisonment, at the suit of the lord the king, and of the judgment aforesaid, against the said B. in the form aforesaid given, be discharged and dismissed, &c. Afterwards to wit, on the twelfth day of February, in the 20th year of the reign of our lord Charles the second, the now king of England, &c. the lord the king hath sent to his beloved and faithful John Kelynge, knight, chief justice of the said lord the king, assigned to hold pleas before the king himself, his writ close in these words; Charles the second, &c. to our beloved and faithful John Kelynge, knight, our chief justice assigned to hold pleas before us, greeting. Because in the record and process, and also in the giving of judgment, upon a certain information in the court of the lord Charles, the first late king of England, our most dear father; before the said late lord the king himself exhibited by Robert Heath, knight, then attorney-general of the said late lord the king, who for the said lord the king, in that behalf, did prosecute against John Elliott, late of London, knight, B. Valentine, late of London aforesaid, esquire, and D. Holles, late of London aforesaid, esquire, for divers misdemeanors, as it is said manifest error hath intervened, to the great damage of the said D. H. now lord Holles, baron of Ifield, as we have understood by his complaint, we willing that the error, if any there hath been, in the due manner be corrected, and that full and speedy justice be done to the said D. H. now lord Holles, baron of Ifield, in this behalf, command you that if judgment be thereupon given, then that you send the record and process aforesaid, with all things touching the same, to us in our present parliament, distinctly and openly, and this writ, that inspecting the record and process aforesaid, we may further cause to be done thereon, with the assent of the lords spiritual and temporal, in the said parliament being, for correcting the error, that which of right and according to the law and custom of our kingdom of England, shall be to be done. Witness ourself at Westminster, the twelfth day of February, in the twentieth year of our reign.

D. Holles;
now lord
Holles
brings a
writ of error
upon the said
judgment
returnable
in parlia-
ment.

Norbury.

By virtue of which writ, the said chief justice the record aforesaid, to the lord the king, in the present parliament, with his proper hands hath produced, according to the command of the said writ. And afterwards to wit, on the eighth day of March, in the 20th year of the reign of the lord Charles, the second the now king, before the king himself, in the present parliament, comes the said D. H. now lord Holles, baron of Ifield, by Samuel Astry, his attorney, and saith that in the record and process aforesaid, and also in the giving of the said judgment there is manifest error, to wit, in this that

The lord
chief justice
delivers the
record.

Errors as-
signed.

Attainders for Treason, &c.

* P 306.

the words in the said information mentioned, to be spoken and published in the commons house of parliament, by the said D. H. now lord Holles, then being a burgesse serving for the borough of Dorchester, in the then present parliament, ought by the law of the land to be heard and determined in the commons house of parliament, and not in the court of the lord the king; and in this, that by the information * in the said record mentioned, the said D. H. now lord Holles is charged with speaking and publishing certain words in the commons house of parliament, and also with a trespass and assault done with force and arms upon John Finch Speaker of the commons house of parliament, to which the said D. H. now lord H. did plead two several pleas, nevertheless only one judgment was given by the court upon both, and one fine, whereas two judgments ought to have been given, and two fines ought to have been imposed; because, if perchance the trespass and assault might or ought to be heard and determined in the court of the lord the king before the king himself; nevertheless the speaking and publishing of whatsoever words in the commons house of parliament, by the burgessees serving in the said parliament, elsewhere than in parliament, ought not to be heard or determined, &c.

In nullo est-
erratum by
the Attor-
ney general.

Curia non-
dum advi-
satur.

Judgment
of reversal.

And Geoffry Palmer, kt. and baronet, attorney-general of the said lord the now king, who for the said lord the king in this behalf prosecutes, present in his proper person, for the said lord the king saith, that neither in the record and process aforesaid, nor in the giving of the judgment aforesaid, is there any error, and he prays, &c. And because the court of parliament is not advised to give their judgment of and upon the premises, day is given as well to the said G. P. kt. and baronet who prosecutes, &c. as to the said D. lord Holles, before the said court until Wednesday the 15th day of April then next ensuing, at Westminster in the county of Middlesex, to hear their judgment thereupon; because the said court not as yet, &c. At which day, before the said court come as well the said G. P. who prosecutes, &c. as the said D. lord H. in their proper persons, whereupon all and singular the premises being seen, and by the said court now here fully understood, and mature deliberation being thereupon had, it is considered by the court, that the said judgment, for the said errors and others in the record and process aforesaid found, be reversed, annulled, and held as entirely void, and that the said D. lord H. be restored to all things which he the said D. lord H. hath lost by occasion of the said judgment, &c.

This case is reported at large in Cro. Car. 181, 182, and 604 to 610.

Attainders for Treason, &c.

* The King *against* Hambden

*P. 307.

Middlesex, **T**HE lord the king hath sent to his justices, assigned to enquire by the oath of good and lawful men of the county of Middlesex, and by other ways, methods and means, by which they might or could know better, of certain treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings and other falsities of the monies of this kingdom of England, and of other kingdoms and dominions whatsoever, and of all other offences and injuries whatsoever, and also to his justices assigned to deliver his goal of Newgate of the prisoners being therein, and also to the keepers of his peace, and to his justices assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, and to every of them, his writ close in these words, to wit, James the 2d by the grace of God, &c. To our justices assigned to enquire by the oath of good and lawful men of the county of Middlesex, and by other ways, methods and means by which they might or could know better, of certain treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false coinings and other falsities of the monies of this kingdom of England, and of other kingdoms and dominions whatsoever, and of all other offences and injuries whatsoever, and to our justices assigned to deliver our goal of Newgate, of the prisoners being therein; and also to the keepers of our peace, and to our justices assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, and to every of them, greeting. We being willing for certain causes, that the record of the conviction of John Hambden, gent. for certain high treasons, whereof before you he was indicted, and thereupon was convicted, as it is said, be sent by you before us, command you and every of you, that you or one of you, send the said record with all things touching the same, as fully and completely as the same now remains before you, by whatsoever name the said John may be named in the same, before us under your seals, or the seal of one of you, from

Certiorari out of the King's Bench directed to the justices of Oyer and Terminer, to the justices of goal delivery of Newgate, and to the justices of the peace for the county of Middlesex, and every of them, to remove a record of conviction of John Hambden, gent. for High Treason.

Attainders for Treason, &c.

the day of Easter in 15 days, wheresoever we shall then be in England, together with this writ, that we may further cause to be done thereupon, that which of right and according to the law and custom of our kingdom of England, we shall see fit to be done, witness, E. Herbert, kt. &c. by the court, Astry. Which writ and record in the said writ mentioned, was returned and certified as follows, to wit: By virtue of this writ to me and to others directed, the record of the conviction of the within named John Hambden, gent. whereof mention is made in the same writ, with all things touching the same, to this writ annexed I send before the lord the king as is within commanded: The answer of Rt. Jefferys kt. mayor of the city of London, and one of the within written justices.

The return
of the lord
mayor of
London.

The record.

Caption.
*P. 308.

Middlesex, to wit, be it remembered, that at the session of Oyer and Terminer of the lord the king, held for the county of Middlesex, at Hicks-hall in St. John's-street, in the said county, on Monday, to wit, the 7th day of September, in the first year of the reign of our lord James the 2d, by the grace of God, &c. before W. Smith, baronet, J. Berry, kt. and others their fellows justices * of the said lord the king, assigned by letters patent of the said lord the king, to the said justices before named, and to any four or more of them, made under the great seal of the said lord the king of England, to enquire by the oath of good and lawful men of the county of Middlesex aforesaid, by whom the truth of the matter might be better known, and by all other ways, methods and means by which they might or could know better, as well within liberties as without, more fully the truth of certain treasons, misprisions of treasons, insurrections, rebellions, counterfeittings, clippings, washings, false-coinings, and other falsities of the monies of this kingdom of England, and of other kingdoms and dominions whatsoever; and of certain murders, felonies, manslaughters, killings, burglaries, rapes of women, unlawful assemblies and conventicles, unlawful uttering of words, combinations, misprisions, confederacies, false allegations, trespasses, riots, routs, retentions escapes, contempts, oppressions, and of other articles and offences in the said letters patent, of the said lord the king, specified; and also the accessories of the same, within the same county, as well within liberties as without, by whomsoever and howsoever had done, perpetrated or committed; and of all other articles and circumstances, the premises, and every or any of them howsoever concerning; and to hear and determine the said treasons and the other premises, according to the law and custom of this kingdom of England, by the oath of W. Wood, esq; and fourteen others good and lawful men of the said county, then and there sworn, and charged to enquire for the said lord the king, and for the body of the county aforesaid, it is presented

Attainders for Treason, &c.

presented in the manner and form following, to wit, Middlesex, to wit, the jurors for our lord the king upon their oath present, that John Hambden, late of the parish of St. Giles in the fields, in the county of Middlesex, gent. as a false traitor against the most illustrious and most excellent prince, the lord Charles the second, late king of England, &c. his natural lord, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the Devil, and entirely withdrawing the cordial love and true, due and natural obedience, which a true and faithful subject of the said late lord the king, towards the said late lord the king should bear, and of right was bound to bear; and devising, practising, and as much as in him lay intending to disquiet, molest and disturb the peace and public tranquillity of this kingdom of England, and to stir up, move and procure war and rebellion against the said late lord the king, within this kingdom of England; and to subvert, change and alter the government of the said late lord the king, of this his kingdom of England; and to depose and deprive the said late lord the king of his title, honor and royal name, and of the imperial crown of his kingdom of England; and to bring and put the said late lord the king to death, and final destruction, on the 20th day of July, in the 35th year of the reign of the said lord Charles the 2d. late king of England, and at divers other days and times, as well before as after, at the parish of St. Giles in the Fields, in the county of Middlesex, falsely, maliciously, diabolically, and traiterously with divers other false rebels and traitors, to the jurors aforesaid unknown, did conspire, compass, imagine and intend, not only to depose and deprive the said late lord the king, then his supreme and natural lord, of his royal state, title, power and government of this kingdom of England, but also the said late lord the king, to kill, and to bring and put to death, and to change, alter and entirely subvert the antient government of this kingdom of England, and to cause and procure a miserable slaughter among the subjects of the said late lord the king, throughout his whole kingdom of England, and to procure and abet insurrection and rebellion, against the said late lord the king, within this kingdom of England, and to fulfil, perfect and bring to effect, his said most wicked, detestable and diabolical treasons, traiterous compassings, imaginations and purposes aforesaid, he the said John Hambden, as a false traitor, then and there to wit, on the 20th day of July, in the 35th year of the reign of the said late lord the king aforesaid, and at divers other days and times, as well before as after, in the parish of St. Giles, in the fields aforesaid, in the said county of Middlesex, falsely, unlawfully,

Indictment for High Treason against Charles the 2d by conspiring to depose and kill him, and to change the government, found at Hick's hall before justices of Oyer and Terminer, the 11th year of James 2d.

Attainders for Treason, &c.

Overt act.

A consultation with the duke of Monmouth, to raise money and an army to make war upon the king.

Quere, ought not the conclusion to have been against the peace of the late king See 3d Burr. row 1903.

Several adjournments of the court of goal delivery.

unlawfully, wickedly, diabolically and traitterously, with James late Duke of Monmouth, and divers other false traitors, to the jurors aforesaid unknown, did assemble, meet, consult and agree to raise and procure, divers great sums of money and great numbers of armed men, traitterously to levy and make war and rebellion against the said late lord the king, within this kingdom of England, against the duty of his allegiance and against the peace of the said lord the now king, his crown and dignity, and also against the form of the statute, in such case made and provided, &c. whereupon the sheriff of the county of Middlesex is commanded that he do not omit, &c. but that he take him to answer, &c. And that at the delivery of the goal, of the said lord the king, of Newgate, held for the county of Middlesex aforesaid, at Justice-Hall, in the old Bailly, in the suburbs of the city of London, on Wednesday to wit, the 9th day of December, in the first year of the reign of the said lord James the second, the now king of England, &c. aforesaid, before Robert Jeffrys, knnt. mayor of the city of London, Edward Herbert, knight, chief-justice of the said lord the king, assigned to hold pleas before the king himself and others, their fellows, justices of the said lord the king, assigned to deliver his goal of Newgate, of the prisoners being therein, that delivery of the goal was adjourned, by the said justices, of the said lord the king, last named here, until the morrow to wit, Thursday, the 10th day of the said month of December, in the 1st year aforesaid, to be held at the seventh hour before mid-day of the said day, at Justice Hall aforesaid, before the said justices of the said lord the king, last named, to do further as the court there should consider, &c. and upon the said Thursday, the tenth day of the said month of December, in the 1st year aforesaid, the said delivery of the goal was held by the said adjournment for the said county at Justice-Hall aforesaid, before the said justices of the said lord the king, last named, and then and there the said delivery of the goal of the said lord the king, was further adjourned by the said justices of the said lord the king, last named, until the morrow to wit, Friday, the 11th day of the said month, of December, in the 1st year aforesaid, to be held at the seventh hour before mid-day of the said day, at Justice-Hall aforesaid, to do further as the court there should consider, * &c. And on the said Friday the 11th day of December, in the 1st year aforesaid, the delivery of the said goal was held by the said adjournment for the said county, at justice-Hall aforesaid, before the said justices of the said lord the king, last named, and then and there the said delivery of the goal of the said lord the king, was further adjourned by the said justices of the said lord the

*P. 3 IC.

Attainders for Treason, &c.

the king last named here, until Saturday to wit, the nineteenth day of the said month of December, in the first year aforesaid, to be held at the seventh hour before mid-day of the said day, at Justice-hall aforesaid, before the said justices of the said lord the now king last named, to do further as the court there should consider, &c. And on the said Saturday, the 19th day of the said month of December, in the first year aforesaid, the delivery of the said goal was held by the said adjournment, for the said county, at Justice-hall aforesaid, before the said justices of the said lord the king last named, and then and there the said delivery of the goal of the said lord the king was further adjourned by the said justices of the said lord the king last named here, until Wednesday, to wit, the thirtieth day of the said month of December, in the first year aforesaid, to be held at the seventh hour before mid-day of the said day, at Justice-hall aforesaid, before the said justices of the said lord the king last named, to do further as the court there should consider, &c. And on the said Wednesday, the thirtieth day of the said month of December, in the first year aforesaid, the delivery of the said goal was held by the said adjournment, for the said county, at Justice-hall aforesaid, before the said justices of the said lord the king last named, and on the said Wednesday, the 30th day of the same month of December, in the year aforesaid, at the said delivery of the goal of the said lord the king then held by the said adjournment, for the said county, at Justice-hall aforesaid, before the said justices of the said lord the king last named, the said justices of the said lord the king as aforesaid, by the said letters patent of the said lord the king, made under the great seal of England, by their proper hands did deliver the said indictment here into the court of record, to be determined in form of law, &c. and thereupon at the said delivery of the goal of the said lord the king of Newgate, held by the said adjournment for the said county, at Justice-hall aforesaid, on the said Wednesday the 30th day of the said month of December, in the first year aforesaid, before the said justices of the said lord the king, assigned to deliver the said goal of the said lord the king of Newgate aforesaid, of the prisoners being therein, comes the said John Hambden, under the custody of Benjamin Thorowgood, and J. Kenfey, knights, sheriff of the county of Middlesex aforesaid, into whose custody for the cause aforesaid, before that time he was committed, brought to the bar here in his proper person, who committed to the said sheriff, &c. and forthwith being demanded of the premises in the said indictment specified to him above charged, how he will acquit himself thereof, he the said John Hambden saith, that he cannot deny but that he is

At the last adjournment the justices of Oyer and Terminer deliver the indictment to the justices of goal delivery.

Defendant arraigned at the goal delivery.

guilty

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He confesseth the indictment. guilty of the high treason aforesaid in the indictment aforesaid specified to him above charged, in the manner and form as by the said indictment above against him is supposed, and expressly confesseth the said high treason, in the said indictment. And forthwith the said John Hambden is asked, if he hath or knoweth any thing to say wherefore the court here should not

*P. 311. proceed to judgment and execution against * him, upon his conviction aforesaid, and his proper confession of the said high-treason in the said indictment above specified, who saith nothing except as he hath before said, whereupon all and singular, the premises being seen and by the court here understood, it is considered, by the court here that the said John Hambden, be brought to the goal of the said lord the king, of Newgate, from whence he came, and there be put upon a hurdle, and from thence be drawn to the place of execution, and there be hanged by his neck, and be cut down alive to the ground, and that his privy members be cut off, and his bowels be taken out of his belly and be put into the fire, and be there burnt, and that his head be cut off, and that his body be divided into four parts, and that his head and quarters be put where the lord the king will assign. And now to wit, on the Wednesday next after fifteen days of Easter, in this same term before the lord the king, at Westminster, comes the said John Hambden, according to the form of the recognizance by him and his bail in this behalf before acknowledged, in his proper person, who is committed to the marshal, &c. and then and there, by the court of the said lord the king here, he the said John Hambden is asked if he hath or knoweth any thing to say for himself, wherefore the court here should not proceed to execution upon the said judgment, in the form aforesaid given, who forthwith saith, that the said lord the now king, of his especial grace, and of his certain knowledge, and mere motion, by his letters patent, under his great seal of England, bearing date at Westminster, the 19th day of February, in the 2d year of the reign of the said lord the now king, hath pardoned, remised and released, and by the said presents, for him self, his heirs and successors, hath pardoned, remised and released to John Hambden, late of the parish of St. Giles in the fields, in the county of Middlesex, gent. or by what other name or fir-name, or addition of name or fir-name, or place, he the said John Hambden might be known, judged, named or called, or lately was known, judged, named or called, all and all manner of treasons, misprisions of treasons, trespasses, misdeeds, crimes and offences whatsoever, by himself singly or with any other person, or other persons, against the said lord the king, or his most dear brother Charles, the

Judgment.

Defendant appears in the King's bench by recognizance and is committed to the marshal and pleads the king's pardon by letters patent.

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2d. late king of England, &c. deceased, before the 25th day of January last whensoever, howsoever, or wheresoever done; committed, or perpetrated, altho' the said John Hambden of the premises or any of them is, or is not indicted, arrested, appealed, impeached, attainted, convicted, outlawed, condemned or adjudged, or whereupon he might afterwards be indicted, arrested, appealed, impeached, attainted, convicted, outlawed, condemned, or adjudged; and all and singular, indictments, judgments, condemnations, attainders, executions, fines, imprisonments, punishments, pains of death, corporal pains, and all other pains and penalties whatsoever, upon or against the said John Hambden of, for, or concerning the premises, or any of them, had, done, given or adjudged, or afterwards to be had, done, given or adjudged; and also all and singular outlawries against the said J. H. by reason or occasion of the premises, or any of them pronounced, * or afterwards to be pronounced; and all and all manner of suits, complaints, fines, forfeitures, impeachments, seizures, proceedings, and demands whatsoever, which the said lord the king against him by reason of the premises, or any of them had, hath, or afterwards might have, or his heirs or successors in any manner might have, and the suit of his peace which to the said lord the king against him the said John Hambden appertains, or may appertain, by reason of the premises or any of them; and his firm peace to him thereupon by the said presents did give and grant. And the said J. H. produces here in court the letters patent afore said, testifying the premises, in these words.—“ James, by the grace of God, &c. To all to whom our present letters shall come, greeting. Know ye that we of our especial grace, and of our certain knowledge and mere motion, have pardoned, remised, and released, and by these presents for ourselves, our heirs and successors do pardon, remise, and release to J. H. of the parish, &c. gent. or by what other name or surname, or addition of name or surname or place the said J. may be known, judged, named or called, or lately was known, judged, named or called, all and all manner of treasons, misprisions of treasons, trespasses, misdeeds, crimes and offences whatsoever, by him singly, or with any other person, or any other persons against us, or our most dear brother Charles the 2d, late king of England, &c. deceased, before the 25th day of January now last past, whensoever, howsoever, or wheresoever done, committed or perpetrated, altho' the said J. H. is or is not of the premises, or any of them indicted, arrested, appealed, impeached, attainted, convicted, condemned, outlawed or adjudged; or whereupon hereafter he may be indicted, arrested, appealed, impeached, attainted, convicted, outlawed, condemned or adjudged, and all and singular indictments, judgments, condem-

*P. 312.

The pardon brought in to court, set out in hæc verba.

Attainders for Treason, &c.

inations, attainders, executions, fines, imprisonments, punishments, pains of death, corporal pains, and all other pains and penalties whatsoever upon or against the said J. H. of, for, or concerning the premises, or any of them, had, done, given, or adjudged or in future to be had, done, given or adjudged and also all and singular outlawries against the said J. H. by reason or occasion of the premises, or any of them, pronounced or hereafter to be pronounced, and all and all manner of suits, plaints, fines, forfeitures, impeachments, judgments, proceedings and demands whatsoever, which we by reason of the premises, or any of them, against him had, have, or hereafter may have, or our heirs or successors in any manner hereafter may have, and the suit of our peace which to us against the said J. H. appertains, or may appertain by reason of the premises, or any of them, and our firm peace thereupon, we give and grant to him by these presents, willing that the said J. H. shall not be molested, troubled, disturbed or in any manner aggrieved, by the sheriffs, justices, bailiffs or other officers, of us, our heirs or successors, by occasion of the premises, or any of them, willing that these our letters patent, as to all and singular the premises ^{as} above mentioned, may be and shall be good, valid, firm and effectual in law, although the crimes and offences aforesaid, are not certainly specified, and that this our pardon in all our courts and elsewhere, be interpreted and adjudged in the most beneficial sense, for the most sure releasing, pardoning and discharging of the said J. H. and also that they shall be pleaded and allowed in all our courts, without any writ of allowance, in that behalf first obtained, or to be obtained, notwithstanding any defect or any defects, in these letters patent contained, or any statute, act, ordinance or provision, proclamation or restriction, or any other thing, cause or matter whatsoever, to the contrary thereof in any wise notwithstanding. In witness whereof, we have caused these our letters to be made patent, witness ourself at Westminster, in the 2d year of our reign." Wherefore by virtue of the said letters patent, the said J. H. prays that he of the premises, by the court here may be discharged, whereupon all and singular the premises being seen and by the court here understood, it is considered that the said J. H. go thereof without day, &c. And afterwards, to wit, on the Monday next after the morrow of the ascension of our Lord, in this same term, before the lord the king at Westminster, comes the said J. H. in his proper person, and brings here into court, a certain writ of the lord the now king close, to his justices here directed, which follows in these words, James the 2d, &c. To our justices assigned to hold pleas before us, greeting. Because in the record and process, and

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Judgment
quod eat
fine die.

Defendant
brings a writ
of error.
etiam nobis,

also

Attainders for Treason, &c.

also in the giving of judgment of a certain indictment, before our justices, assigned to deliver our goal of Newgate, of the prisoners being therein, against J. H. of the parish &c. in the county of Middlesex, gent. for high treasons against the person of the lord Charles the 2d, late king of England, our most dear brother, whereof before them he lately was attainted, as it is said, manifest error hath intervened, to the great damage of the said John, as we have understood from his complaint, we willing that the error, if any there hath been, in the due manner be corrected, and that full and speedy justice be done to the said John, in this behalf, command you, that if judgment be thereupon given, then that inspecting and examining the record and process aforesaid, which we have caused to come before us for certain causes, and which before us now remain as it is said, we may further cause to be done thereupon, for correcting the error that which of right and according to the law and custom of our kingdom of England, shall be to be done. Witness ourself, at Westminster, the 14th day of May, in the 2d year of our reign.

And thereupon the said J. H. saith, that in the record and process aforesaid, and also in the giving of the judgment of attainder aforesaid, there is manifest error in this, to wit, that whereas by the record aforesaid, it is mentioned, that the delivery of the goal, in the record of the judgment and attainder aforesaid mentioned, was held for the county of Middlesex, at Justice-hall in the old Baily, in the suburbs of the city of London, and it doth not appear by the said record, that Justice-hall or the old Baily, are in the county of Middlesex, therefore in that there is manifest error; also there is error in this, to wit, that the indictment aforesaid, is mentioned to be taken on the 7th day of December, in the said record mentioned, before justices of Oyer and Terminer in the said record mentioned, and by them to be delivered to justices of goal delivery in the said record specified, on the thirtieth day of December, then afterwards in the form of law to be determined, and it doth not appear by the said record of conviction, that the session of oyer and terminer had any adjournment or continuance until the said thirtieth day of December, therefore in that there is manifest error; also there is error in this, that the words, "*with force and arms, &c.*" are omitted in the said indictment, therefore, in that there is manifest error; also there is error in this, that it appears by the said record, that the process and judgment aforesaid, are entered and recorded upon the record, of justices of oyer and terminer, and not upon the record of justices of goal delivery, therefore in that there is manifest error; also there is error in this, to wit, that it doth not appear by the

Assignment
of errors.

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saïd record, by what authority the justices of goal delivery, in the saïd record mentioned, gave the saïd process and judgment aforesaid, against him the saïd J. H. upon the saïd indictment, therefore in that there is manifest error; also there is error in this, that upon the giving of the judgment in the saïd record mentioned, it doth not appear who there was, who on the part of the lord the king, for the saïd lord the king, prayed judgment upon the conviction of the matters in the saïd indictment mentioned, therefore in that there is manifest error; also there is error in this, that in the saïd record it is saïd that at the delivery of the goal of the saïd lord the king, of Newgate, held for the county of Middlesex, at Justice-hall in the old Baily, in the suburbs of the city of London, on Wednesday to wit, the ninth day of December, before the justices of goal delivery, in the saïd record mentioned that, that delivery of the goal *was* adjourned by the saïd justices, whereas it ought to be saïd *is* adjourned, and not to be expressed by way of recital in the past tense, and in another place in the saïd record, it is saïd that the saïd delivery of the goal *was held*, whereas it ought to be expressed, *is held*, and not that it was held, because in the past tense, it is mere recital of the holding and adjourning that court, and not the positive act of the saïd court of goal delivery, for the determination of that judgment, therefore in that there is manifest error; also there is error in this, to wit, that the saïd judgment is given for the saïd lord the king, whereas it ought to be given for the defendant, therefore in that there is manifest error, and this he is ready to verif, wherefore he prays judgment, and that the judgment and attainder aforesaid, for the errors aforesaid, and others in the record and process aforesaid appearing, being found, may be reversed, annulled and held as entirely void, and that he the saïd John may be restored to the common law of this kingdom of England, and to all things which he hath lost by occasion of the judgment and attainder aforesaid, and that he as well of the saïd conviction and attainder as of the saïd indictment by the court here, may be dismissed and discharged, and that the court here may proceed to the examination of the record and process aforesaid, &c. and because that it is necessary, and expedient before that the court here should proceed in this behalf, that the tenants of the lands and tenements, which were of the saïd John, on the 20th day of July, in the 35th year of the reign, of the saïd lord Charles the second, late king of England, &c. on which day the high-treason aforesaid, is supposed to be committed, or at any time afterwards, should be forewarned to be before the saïd lord the now king, to hear the record and process aforesaid, if, &c. therefore the sheriff of the county

Attainders for Treason, &c

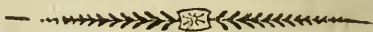
county of Middlesex, is commanded, that by good and lawful men of his bailiwick, he give notice, severally to the tenants of the lands and tenements, which were of the said John on the 20th day of July, in the 35th year of the reign of the said lord Charles the second, late king of England aforesaid, or at any time afterwards, that they be before the lord the king, on the morrow of the Holy Trinity, wheresoever, &c. to hear the record and process aforesaid, if, &c. the same " day is given to the said John Hambden, &c. and thereupon by the special favour of the court, the said J. H. is delivered on bail to H. A. of &c. esquire, and W. I. of &c. until the said term, and so, &c.

Scire facias
awarded.
*P. 315.

It does not appear by the precedent, whether the judgment was reversed or affirmed, nor is the report of this case to be found in any of the reports of that time.

Restitution,

Restitution, and Pleadings thereon.



Burgefs *against* Coney.

Writ of Re-
stitution
from the
justices of
goal-delive-
ry after con-
viction of a
felon, to re-
store the
prosecutor
to his goods,
upon the
Stat. 21 Hen.
3. c. 11.

Middlesex, } **T**HE lord the king hath sent to Edward
To wit. } Coney, his writ in these words to wit,
William the third by the grace of God of England, Scotland,
France and Ireland king, defender of the faith, &c. to Ed-
ward Coney greeting. Whereas at this delivery of our goal of
Newgate, held for the county of Middlesex, at Justice-hall
in the old Bailly, in the suburbs of the city of London, on
Wednesday to wit, the 9th day of December, in the 8th year
of our reign, before Edward Clark, knight, mayor of the
city of London, George Treby, knight, chief justice of the
bench, and others their fellows, our justices assigned to de-
liver our goal of Newgate of the prisoners being therein, at
the fresh prosecution of John Burgefs the elder, one Thomas
Barnes late of the parish of Enfield, in the county of Middle-
sex, labourer, is convicted of this, that he on the 28th day of
August, in the 8th year of our reign, at the parish aforesaid,
in the county aforesaid, three heifers of a red-pyed colour;
each of them of the value of 3*l*. 5*s*. and one other heifer of
a black colour of the value of 3*l*. 5*s*. of the goods and chat-
tels, of one John Burgefs the elder, then and there being
found, then and there feloniously did steal, take and drive
away, against our peace, our crown and dignity, as by the
record thereof more fully appeareth; and whereas by the in-
formation of the said John Burgefs, we now understand that
the several heifers, goods and chattels aforesaid, have come
to your hands, and now are in your custody, we therefore
being willing that that which is just and reasonable be done to
the said John Burgefs, command you, firmly injoining that
the heifers, goods and chattels aforesaid, or such of them as
ever came to or now are in your hands, you restore and de-
liver to the said John Burgefs, without delay, according to
the form of the statute in such case made and provided, or
that you be before our justices assigned to deliver our goal of
Newgate, of the prisoners being therein at the next delivery
of our goal aforesaid, to be held for the county of Middlesex,
at Justice-hall aforesaid, on Friday to wit, the 15th * day of
January.

Restitution, and Pleadings thereon.

January, now next ensuing to shew, wherefore you will not or cannot do the same, and further to do what your court in that behalf, further shall consider, and have there then this writ. Witness the said E. Clark, knight, mayor of the city of London aforesaid, at Justice-hall aforesaid, the 9th day of December, in the 8th year of our reign; Harcourt. At which next delivery of the goal of the lord the king of Newgate, to wit, at the delivery of the goal of the said lord the king of Newgate held for the said county of Middlesex, at Justice-hall in the old Baily in the suburbs of the city of London, on Friday, to wit, the 15th day of January, in the 8th year of the reign of the said lord the now king, before Edward Clarke, kt. mayor of the city of London, Edward Ward, kt. chief baron of the Exchequer of the lord the king and others their fellows, justices of the said lord the king, assigned to deliver the goal of the said lord the king of the prisoners being therein, comes the said Ed. Coney in his proper person, according to the command of the said writ of restitution, to him in the form aforesaid directed, and to him lately delivered, and prays Oyer of the said record of conviction, of the said Thomas Barnes, in the said writ mentioned, and it is read to him in these words, to wit, Middlesex, to wit, be it remembered, that at the general sessions of the peace of the lord the king, held for the county of Middlesex, at Hicks-hall, in St. John-street, in the said county, on Monday, to wit, the 7th day of Sep. in the 8th yr. of the reign of our lord Wm. the 3d, by the grace of God, the now king of England, &c. before John Elwes, knt. John Offley, esquire, and others their fellows, justices of the said lord the king, assigned to preserve the peace, in the said county, and also to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, by the oath of John Baily and 19 others good and lawful men of the said county, then and there sworn, and charged to enquire for the said lord the king, and for the body of the county aforesaid, it is presented, that Thomas Barnes late of the parish of Enfield, in the county of Middlesex, labourer, on the 28th day of August, in the 8th year of the reign of our lord William the 3d, by the grace of God, now king of England, &c. with force and arms at the parish aforesaid, in the county aforesaid, three heifers of a red-pyed colour, every one of them of the value of 3l. 5s. and one other heifer of a black colour, of the value of 3l. 5s. of the goods and chattels of one John Burges, the elder, then and there being found, feloniously did steal, take and drive away against the peace of the said lord the now king, his crown and dignity, &c. Whereupon the sheriff of the said county is commanded that he do not omit, &c. but that he take him, to answer, &c. Which indictment, the said justices of the said lord the king of the peace, afterwards;

Defendant
prays oyer
of the re-
cord of con-
viction.
The record
at large.

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wards, to wit, at the delivery of the goal of the said lord the king of Newgate, held for the said county, at Justice-hall, in the Old-baily, in the suburbs of the city of London, on Wednesday, to wit, the 9th day of December, in the 8th year of the reign of the said lord the now king, before Edw. Clarke, kt. mayor of the city of London, George Treby, kt. chief justice of the said lord the king of the Bench, and others, their fellows, justices of the said lord the king, assigned to deliver his goal of Newgate, of the prisoners being therein, by their proper hands did deliver here in court of record, to be determined in the form of law, &c. and thereupon at the said delivery of the goal of the said lord the king of Newgate aforesaid, on the said Wednesday, the 9th day of December, in the year aforesaid, before the justices of the said lord the king last named, and others their fellows aforesaid, comes the said Thomas Barnes, under the custody of John Woolfe, kt. and Samuel Blewit, kt. sheriff of the county aforesaid, into whose custody for the cause aforesaid, before that time he was committed, brought here to the bar in his proper person, who is committed to the said sheriff; and forthwith being demanded of the felony aforesaid in the indictment aforesaid specified to him above charged, how he will acquit himself thereof, the said Thomas Barnes saith, that he cannot deny but that he is guilty of the felony aforesaid in the indictment aforesaid specified, to him above charged in the manner and form as by law the said indictment above against him is supposed, and the felony aforesaid in the said indictment above specified, he expressly confesseth, and forthwith the said T. Barnes is asked by the said court, if he hath or knoweth any thing to say for himself, wherefore the court here should not proceed to judgment and execution against him, upon his conviction aforesaid, by his own proper confession of the said felony, in the said indictment above specified; who saith that he is a clerk, and prays the benefit of clergy to be allowed to him in this behalf, and thereupon the book being delivered to him the said Thomas Barnes, he the said Thomas Barnes read as a clerk, whereupon all and singular the premises being seen, and by the court here fully understood, it is considered by the court here, that the said Thomas Barnes be burnt in his left hand, and be delivered according to the form of the statute in such case made and provided." Which being read and heard, the said Edward Coney protesting, that that writ of, and upon the conviction aforesaid, in the form aforesaid had, so as aforesaid adjudged and issuing, and the matter in the said contained, are not sufficient in law to compel him the said Edward Coney to restore and deliver the said heifers in the same writ specified to the said John Burgefs, nevertheless for plea saith, that he the said Edward Coney for restitution of the said heifers, in the said writ specified, ought not to be charged,

* P. 317.

Plea of guilty.

Plea by the defendant.

Pro estation

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charged, because that as to one of the four heifers, to wit, the heifer of a black colour, he saith that the said heifer of a black colour is not in his custody, nor ever was, nor ever came to the hands or possession of the said Edward, as by the said writ is supposed, and this he is ready to verify; wherefore he prays judgment, if he ought to be charged for the restitution of the said heifer, &c. And as to the three other heifers, the residue of the said heifers in the said writ above specified, he the said Edward saith, that in the suburbs of the city of London, within the parish of St. Sepulchre, in the ward of Farringdon without London, in a certain place there called Smithfield, on every Monday and every Friday, in every week, there is had and held, and from the time whereof the memory of man is not to the contrary, was had and held, a certain publick and open market, called Smithfield market, for the buying and selling, and for the exposing to sale, of certain live cattle, to wit, oxen, cows, steers and heifers, and sheep, by and between whatsoever persons were willing to buy or sell such cattle, in the said market, and that after the said time, in which it is supposed that the said heifers, by the said Thomas Barnes were * stolen, taken and drove away, and long before the said T. B. thereof so as aforesaid was indicted, to wit, on Friday the said 28th day of August, in the 8th year of the reign of the said lord the now king aforesaid, one John Bodely, (who was accustomed and very often used to sell such cattle, in the said market, called Smithfield-market, and was well known there in that behalf,) the said three heifers, the residue of the said heifers in that market, at London, to wit, at the parish of St. Sepulchre, in the ward aforesaid, in the said place called Smithfield, there then held, did expose to sale, and openly and publickly did offer to be sold, and the said Edward Coney in good faith, and without any knowledge or understanding by him then or before had, that the said heifers were stolen, the said three heifers, from the said John Bodely, in the said full and open market, for several reasonable and sufficient prices of the same respectively, between the said J. Bodely and the said E. Coney, thereupon agreed, amounting in the whole to a great sum of money, to wit, to the sum of 7l. 1s. by him the said E. Coney thereupon paid, then and there did buy, and thereupon the said three heifers, into his possession, and by the delivery of the said John of the same, to the said Edward, in the said open market, then and there did take and have, and so the said Edward Coney, did become, and was possessed, lawfully, rightly and duly, of the three heifers aforesaid, as of his own proper cattle, and this he is ready to verify, wherefore

as to one he
pleads that
it never
came to his
hands.

As to the
residue he
pleads that
he bought
them in
market
vert in
Smithfield.

* P. 318.

Restitution, and Pleadings thereon.

he prays judgment, if he ought to be charged to restore or deliver the said heifers to the said John Burgefs, &c.

L. Agar.

Nolle prosequi as to parcel.

Quoad the residue of the plea, the plaintiff demurs.

And the said John Burgefs, as to the said heifer of a black colour, confesses, that he will not any further prosecute against the said Edward Coney, for the said heifer of a black colour, therefore as to the said heifer of a black colour, the said Edward Coney may be thereof quit, and may go thereof without day, &c. and as to the three other heifers, the residue of the heifers aforesaid, in the writ aforesaid, above specified, the said John saith, that he by any thing, by the said E. C. above by pleading alledged, from having restitution of the said three heifers, the residue of the said heifers, in the said writ above specified, ought not to be precluded, because he saith, that the plea aforesaid, by the said Edward Coney, as to the said three heifers last mentioned, in the manner and form aforesaid, above pleaded, and the matter in the same contained, are not sufficient in law, to preclude him the said John, from having restitution of the said three heifers, the residue of the heifers aforesaid, in the writ aforesaid above specified, to which he the said John hath no necessity, neither is he bound by the law of the land in any manner to answer, and this he is ready to verify, wherefore because that the said Edward Coney, in his plea aforesaid, confesseth that the said three heifers last mentioned, after that the said heifers, in the manner and form above specified, by the said T. Baines feloniously were stolen, taken and driven away, came to the hands of him the said Edward, the said John prays restitution to be * made to him, of the said three heifers, the residue of the said heifers in the writ aforesaid above specified, according to the command of the said writ, and according to the form of the statute, thereupon lately made and provided, &c.

Ed. Northey.

Joinder in demurrer.

And the said Edward Coney, because that he above hath alledged sufficient matter in law, in his plea aforesaid, as to the said three heifers, the residue of the heifers aforesaid, above pleaded, to preclude him the said John Burgefs, from having restitution of the said three heifers, under colour of the said writ against him the said Edward Coney, which he is ready to verify, which matter the said John Burgefs hath not denied, nor to the same in any manner hath answered, but altogether refuses to admit that averment, as before prays judgment, and that the said John may be precluded from having restitution of the said three heifers, against him

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him the said Edward, &c. but because the justices and the court of the said lord the now king here, are not yet advised to give their judgment of and upon the premises, day thereupon is given as well to the said J. Burgefs, as to the said E. Coney, in the state in which now, &c. until the next delivery of the goal of the said lord the king of Newgate, to be held for the county of Middlesex, on Wednesday, to wit, the 24th day of February now next ensuing, to be held at Justice-hall aforesaid, before the said justices, to hear their judgment of and upon the premises aforesaid, &c. Because that the justices and the court here of their judgment of and upon the premises aforesaid, here thereon not as yet, &c. unto which day and place the court here, by the said justices, &c. is adjourned, then to be held before the said justices, &c. to give their judgment of and upon the premises, &c. And afterwards, to wit, at the delivery of the goal of the said lord the king of Newgate, held by the adjournment aforesaid, for the county of Middlesex, at Justice-hall in the Old-bailly, in the suburbs of the city of London, on the said 24th day of February, in the 9th year of the reign of the said lord the now king, before Edw. Clark, kt. mayor of the city of London, Edward Nevill, kt. one of the justices of the said lord the king of the bench, and others their fellows, justices of the said lord the king, assigned to deliver his goal of Newgate of the prisoners being therein, come as well the said J. Burgefs, as the said E. Coney, in their proper persons; but because the justices and the court here are not yet advised to give their judgment upon the premises, day thereon is further given, as well to the said J. Burgefs, as to the said E. Coney, in the state in which now, &c. until the next goal delivery of the said lord the king of Newgate, to be held for the county of Middlesex, on Wednesday, the 24th day of April, now next ensuing, to be held at Justice-hall aforesaid, before the said justices, to hear their judgment of and upon the premises; because that the justices and the court here, of their judgment of and upon the said premises here thereon, not as yet, &c. unto which day and place the court here, by the said justices, &c. is adjourned to be held before the said justices, &c. to give their judgment of and upon the premises, &c.

*Curia non-
dum advise-
tur.*

*After several more continuances, this case was argued by council at the old Bailly, before Holt, Lord G. F. of the King's bench, and other judges there; It * was argued for the defendant, that the prosecutor could have no restitution after sale in the market overt, for that thereby the property was altered; and cited Sir William Jones, 148, where the judges chiter agree the Law to be so, 5 Co. 83, b, and Dalton's justice, 410; but the council for the prosecutor insisted on the express words of the statute 21. H. 8. c. 11; and 2 Institute, 741, and the notes in the margin there; and as to Dalton, it was said, he grounded his opinion on the Year book,*

*P. 320

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12 H. 8 10 b. which is before the statute; and on 3 Coke, 78 by which is nothing to the purpose, as to restitution on the statute. the Chief justice said it had been expressly adjudged in the time of Kelynge. Chief justice, that sale in market overt, was no plea to a writ of restitution on this statute, but that the prosecutor should be restored, notwithstanding such sale, and so it was adjudged in this case, and in five other writs of restitution, on five several other convictions of the same person. *Vide Kelynge's rep.* 35. 36. 48.

One Lever was convicted of Barratry, at Lancaster, and there fined 600l. & the judgment being removed in to the K's.

The King against Lever.

Michaelmas, the 4th of James the 2d.

Lancaster, }
To wit. }
B. by writ of error, it was reversed, and judgment given that he should be restored, ad omnia que, &c. Whereupon this writ issued, reciting the judgment and reversal, and suggesting that the parties to whom it was directed had by colour of the judgment, seized goods and chattels of Lever's to the value of 1000l and therefore commands them to restore the same to him

—THE king, &c. to Gervaise Staniford, gent. John Waite, gent. and twelve others, and to every of them greeting. Whereas at the late general quarter session of the peace, held for the county Palatine of Lancaster, on Thursday, to wit, the nineteenth day of July, in the 29th year of the reign of the lord Charles the 2d, late king of England, before the justices of the said lord the king, assigned to preserve the peace of the said lord the king, in the said county, and also to hear and determine divers felonies, trespasses and other misdeeds in the said county, perpetrated, it was presented that Robert Lever of Awerington, in the county of Lancaster, gent. on the tenth day of July, in the twentyninth year of the reign of the lord Charles the second, late king of England, &c. and at divers other days and times, as well before as after at Awerington in the said county, was and as yet is a common barrator, and a daily, and publick disturber of the peace of the said lord the king, and also a common and turbulent challenger, railer and fighter, and a sower of suits, and discords among his neighbours, and a common oppressor of his neighbours, and that the said Robert Lever, at Awerington aforesaid, and elsewhere, divers disputes, controversies, suits, and also railings, fights and discords among divers liege subjects of the said lord the king, then and there, and elsewhere in the said county of Lancaster, unjustly did move, procure and stir up to the great oppression of his neighbours, and to the disturbance of the peace of the said lord the king, and also against the form of divers statutes, in such case made and provided. Which * record and process there-

Restitution, and Pleadings thereon.

thereon, the said lord the late king, for certain causes, before William Montague, esquire, chief baron of the Exchequer of the said lord the late king, at Westminster, chief justice to hear and determine all pleas, as well of the crown, as assizes of novel disseisin mort d'ancestor, juris utrum, certificates, attainders and all other pleas whatsoever, to be arrayed or prosecuted within the county Palatine of Lancaster, to be held at Lancaster or elsewhere in the said county, and Timothy Littleton, knight, one of the barons of the Exchequer, of the said lord the late king, at Westminster aforesaid, one other justice, to hear and determine all pleas, as well of the crown, as assizes of novel disseisin, mort d'ancestor, juris utrum, certificates, attainders, and all other pleas whatsoever, to be arrayed or prosecuted within the county Palatine of Lancaster, to be held at Lancaster aforesaid, or elsewhere in the said county, caused to come at the general sessions of the assizes for the county Palatine of Lancaster aforesaid, at the city of Lancaster, in the said county, on Thursday, to wit, the 6th day of September, in the 29th year of the reign of the said lord the late king, in the form of law to be determined, &c. And whereas afterwards the process was thereupon continued to the next general session of the said lord the late king, to hear and determine pleas of the crown in the said county, held for the county aforesaid, at the city of Lancaster, in the said county, on Saturday, to wit, the 16th day of March, in the 30th year of the reign of the said lord the late king, before William Wilde, knight and baronet, one of the justices of the said late lord the king, assigned to hold pleas before the said late king himself, chief justice to hear and determine all pleas as well of the crown, as assizes of novel disseisin, mort d'ancestor, juris utrum, certificates and attainders, and all other pleas whatsoever, to be arrayed or prosecuted within the said county Palatine of Lancaster, to be held at Lancaster aforesaid, or elsewhere, in the said county, and Vere Beche, esquire, one of the barons of the Exchequer, of the said lord the king at Westminster, one other justice to hear and determine all pleas as well of the crown, as assizes of novel disseisin, mort d'ancestor, juris utrum, certificates, attainders, and all pleas whatsoever, to be arrayed or prosecuted within the county Palatine of Lancaster, to be held at Lancaster aforesaid, or elsewhere in the said county; and at the said general session, the said R. Lever, by a jury of the country was tried and convicted of the trespass, contempt and offence aforesaid, in the indictment aforesaid specified, to him then charged as above, in the manner and form as by the indictment aforesaid, above against him, then was supposed; whereupon then and there all and singular the premises being seen, and by the said court then fully understood, it was then considered by the said court, that the said R. Lever should pay

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to the said lord the king, for his fine for the trespass, contempt and offence aforesaid, the sum of 600*l.* of the lawful money of England, and that the said R. Lever be taken, &c. which record, for certain causes we have afterwards caused to come before us, by our writ for correcting error in the record and process of the judgment aforesaid, &c. and whereas afterwards, to wit, in the term of St. Michæl, in the third year of our reign, before us at Westminster, the said R. Lever, personally appearing then and there in his proper person, did assign several errors in the record and process of the judgment aforesaid, and thereupon it was in such wise proceeded that afterwards, to wit, in the term of St. Michael, in the 4th year of our reign, because that it manifestly appeared

* P.322. to the court here that in the record and process of the judgment aforesaid, there was manifest error, and that the record and process of the judgment aforesaid, were not sufficient in law any further to charge the said R. Lever, of and upon the premises, it was considered by our said court, that the judgment aforesaid, for error in the record and process of the said judgment being found, be reversed, annulled and held as entirely void, and that he the said R. Lever, be restored to all which he hath lost by occasion of the said judgment, and that he the said R. Lever be discharged of the said judgment, and that he go thereof without day, as fully appears of record in our court before us, and because now on the behalf of the said R. Lever, heavily complaining to us we have understood that you Gervaise Staniford, John Waite, &c. or some of you, or some one of you, have taken and seized goods and chattels of the said R. Lever, to the value of 1000*l.* of the good and lawful money of England, under colour of the said insufficient and erroneous judgment given as aforesaid, to the great damage of the said R. Lever, we willing that justice be done to every person according to the laws and customs of this kingdom of England, command you in this behalf as it is just that you restore, and that each and every of you restore the goods and chattels of the said R. Lever, by you or by any of you, or by any one of you, for the occasion aforesaid, taken and seized, or the true value of the same, to the said R. Lever, without delay, and how you shall execute this our command, certify to us on the octave of St. Hilary, whereforever we shall be in England, then returning to us this our writ. Witnesses R. Wright, knight, at Westminster, the 16th day of November, in the 4th year of our reign.

Afry.

There is a note of this case, as to the writ of Error, 2 Lev. 223. But as to this writ of Restitution, it was quashed by the lord chief justice Holt, and the whole court of King's Bench; for that no such

writ

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writ lies to strangers to the Record, but that a Scire Facias should issue to make them parties, according to the case of Vese and Harris, Cro. Car. 328. This case of the writ of Restitution is reported, 1 Show, 261, 2 Salk. 587.

The King against Fletcher.

*P. 323.

An inquisition for forcible entry, was found at the sessions against the defendant which he traversed, and on the trial was found guilty, and thereupon the justices granted a writ of restitution to Woodall, on whose possession the force was committed, afterwards the record was removed into the King's bench and thereupon a writ of error was brought, and the judgment was reversed, then this writ of restitution issued thence, directed to the justices of peace and sheriff to put the defendant Fletcher, in possession.

The King, } **T**O the keepers of our peace, assigned to hear
&c. } and determine divers felonies, trespasses and other misdeeds in our county of Cumberland perpetrated, and to the sheriff of the said county, and to every of them, greeting. Whereas, at the late general session of our peace, held at Cockermouth, on Wednesday, in the week next after the feast of Easter, to wit, on the 8th day of April, in the 22d year of our reign, before William Briscoe, J. B. and others, then keepers of our peace; and our justices assigned to hear and determine divers felonies, trespasses and other misdeeds in the county aforesaid perpetrated, it was presented by the oath of J. Cockplace, and 14 others, that L. Fletcher* of Deane, in the county of Cumberland, clk. on the 6th day of Feb. in the 21st year of our reign, with force and arms, and with strong hand at Ultaek in the said county, in and upon the possession of one tenement with the appurtenances, of one Lancelot Woodall, at U. aforesaid, in the said county did enter and make an entry, (the said L. W. being possessed thereof, until the said L. F. with force and arms, and with strong hand did enter and make an entry) and him, the said L. W. from his possession did expel, eject and hold out, and then did hold out, in contempt of us, and to the great damage of the said L. W. and against our peace, our crown and dignity; and whereas afterwards, to wit, at the same session of our peace, held at C. in the said county, on the day and year aforesaid, before the keepers of our peace, and our justices, assigned to hear and determine divers felonies, trespasses and misdeeds in the said county perpetrated, came the said L. F. in his proper person, and then having heard the indictment aforesaid, then said, that he was not guilty thereof, and of this put himself upon the country, and the said L. W. who as well, &c. did the like, &c. therefore that a jury come thereupon before the said justices, &c. the same day was given to the parties aforesaid there, &c. And whereas, at the general session of our peace, held at C. in the said county, on Wednesday, in the week next after the feast of St. Thomas the martyr, to wit,

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on the 15th day of July, in the 22d year of our reign, before W. Briscoe and others, then keepers of our peace, and our justices assigned to hear and determine divers felonies, trespasses and other misdeeds, in the said county perpetrated, came the said L. W. who as well, &c. as the said L. F. in his proper person, and the jurors by the sheriff of the said county, for that purpose impanelled being called to wit, John Birkett, and 11 others, in like manner came, who being tried and sworn to speak the truth of and concerning the premises, said upon their oath, that the said L. F. was guilty of the trespass, contempt and entry aforesaid, in the said indictment above specified in the manner and form as above against him was supposed. Therefore it was considered by the court there, that the said L. F. should be taken and should satisfy us for his fines, by occasion of the trespass, contempt and entry aforesaid, which Lancelot then and there present in court did pray, that he should be admitted to a fine with the said lord the king, for the occasion aforesaid, and thereupon to be put in our mercy, and the fine of the said Lancelot was assessed by the said justices to 12*d.* to our use and behoof; which record we for certain causes afterwards, have caused to come before us to be determined. And whereas afterwards, to wit, in this same term before us at Westminster, the said L. F. personally appearing then and there in his proper person, produced our certain writ for correcting errors in the record and process of the judgment aforesaid; and whereas also, because that it manifestly appeared to the court here, that in the record and process of the judgment aforesaid, there was manifest error; and that the record and process aforesaid, of the judgment aforesaid, was not sufficient in law to charge the said L. F. any further of and upon the premises; as the said L. F. upon the allowance of our said writ, for correcting errors in our court before us, in the said term, hath alledged; it was considered then and there, by our said court, that the judgment aforesaid, for the errors by the said L. F. in the record and process of the judgment aforesaid, assigned, and others in the said record and process of the judgment aforesaid being found
 *P. 324. to be reversed, annulled and held as entirely void; and that he the said L. F. be restored to all things which he hath lost by occasion of the said judgment, and that he the said L. F. be discharged from the said judgment, and that he go thereof without day, as fully appears of record in our court before us. And because now, on the behalf of the said L. F. heavily complaining to us, we have understood, that you the said justices under colour of the said insufficient and erroneous judgment given before you, by a certain writ of restitution, to you the said sheriff, or to your officers in this behalf directed, have caused the said tenements with the appurtenances to be re seized, and have put the said L. W. in full possession thereof, according to the form and ef-
 fe&

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fect of the writ aforesaid, to the great damage of the said L. F. and we willing that justice be done to every person according to the law and custom of this our kingdom of England, command you and each of you, in this behalf as is just; that if by virtue of our said writ of restitution, to you the said sheriff, or to your officers in this behalf directed, you have caused the said tenements with the appurtenances to be re seized, and have caused the said L. W. to be put in full possession thereof, according to the force, form and effect of the said writ, then that you cause the tenements aforesaid, with the appurtenances to be re seized, and that without delay you cause the said L. F. again to be put into his full and peaceable possession of the tenements aforesaid, with the appurtenances, our said writ of restitution, so by you the said justices, to you the said sheriff or your officers, before thereupon directed, in any wise notwithstanding, and if by colour of our said writ of restitution you have not caused the tenements aforesaid, with the appurtenances to be re seized, nor have caused the said L. W. to be put into full possession thereof, then altogether that you omit to re seize the tenements aforesaid, with the appurtenances, and to put the said L. W. into the full possession thereof, and how you shall execute this our command, certify to us on the morrow of the Holy Trinity, wheresoever we shall then be in England, then returning to us this our writ. Witness Francis Bacon, at Westminster, the 25th. day of May, in the 23d year of our reign.

The King against Jackson.

The King; } **T**O the keepers of our peace, and to our justices assigned to hear and determine divers felonies, trespasses and other misdeeds in the said county of Cumberland perpetrated, and to the sheriff of the said county, and to every of them greeting. Whereas at the late general sessions of our peace, held at Cockermouth, in the said county on Wednesday, in the week next after the feast of St. Thomas the martyr, to-wit, on the 15th day of July, in the 23d year of our reign, before William Briscoe, John Barwis and others, then keepers of our peace and our justices assigned

An indictment of forcible entry and forcible detainer was found at the sessions against the defendant who thereupon (by protestation that to he is not

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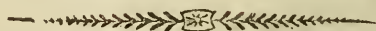
guilty) puts himself in the king's mercy, and *P. 325. is fined; after which, this record is removed into the king's Bench and Woodal, the party disseised not having had restitution by the justices, the court of king's Bench granted this writ to put her in possession.

to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, by the oath of William Brownrigg and 14 others, good and lawful men of the said county, sworn and impannelled to enquire for the body of the said * county, it was presented that Henry Jackson, of Ullack, in the parish of Deane, in the county of C. yeoman, on the 28th day of September, in the 21st year of our reign, with force and arms, &c. at U. aforesaid, in the parish of D. aforesaid, in the county of C. aforesaid, in and upon one Elinor Woodall, in the peace of God and of our peace then and there being, did make an assault and affray, and also then and there with force and arms, and unlawfully into one messuage and 40 acres of land, meadow and pasture, with the appurtenances commonly called the Hill tenement at U. aforesaid, in the parish of D. aforesaid, in the county of C. aforesaid, then and there in the quiet and peaceable possession of the said E. W. being, and then being the freehold of the said E. W. with force and arms, &c. unlawfully and with a strong hand did enter and make an entry, and her the said E. W. from her possession thereof, then and there, at U. aforesaid, in the parish of D. aforesaid, in the county of C. aforesaid, with force and arms, unlawfully and with strong hand, did hold out, and as yet doth hold out, to the great damage of the said E. W. in contempt of us, and of our peace, our crown and dignity, and also against the form of the statute in such case, thereupon lately made and provided; and whereas afterwards at the general session of our peace of the said county held at C. in the said county on the Wednesday in the week next after the feast of St. Michael, to wit, on the 7th day of October, in the 22d year of our reign aforesaid, before Thomas Lamplugh, and others, then keepers of our peace and justices assigned to preserve the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdeeds, in the said county perpetrated, came the said H. J. in his proper person, and then and there having heard the said indictment by protestation, then said that he was not guilty thereof, but submitted himself to a fine with us, and by the favour of the said court, and by the said justices the fine of the said H. was assessed at six pence, which record we for certain causes, have caused to be sent before us to be determined, and we in our court before us on the behalf of the said E. W. heavily complaining to us, have understood that altho she as aforesaid, is not possessed of the said messuage and 40 acres of land, meadow and pasture aforesaid, with the appurtenances, nevertheless restitution thereof, as yet remains to be made to the said E. W. supplicating

Restitution, and Pleadings thereon.

ting us to give her suitable remedy in this behalf, and we being willing that the statute aforesaid, according to the form of the same, be fulfilled in all things, command you and every of you, that you cause the said messuage, with 40 acres of land, meadow and pasture to be re-scized, and that you cause the said E.W. to be put into the peaceable and full possession of the said messuage and 40 acres of land, meadow and pasture aforesaid, according to the form of the said statute, and how you shall execute this our command, certify to us, from the day of St. Michael, in three weeks, wheresoever we shall then be in England, then returning to us this our writ. Witness Francis Bacon, at Westminster, the 5th day of July, in the 23d year of our reign.

Convictions before Justices of the Peace, &c.



* P. 326.

* *The King against J. S. and others.*

Easter, the 35th of Charles 2d. Roll 154.

Conviction
at the Quar-
ter Sessions,
upon oath of
two witness-
es, for hunt-
ing and kill-
ing a red
deer, in a
wood where
red deer was
usually kept,
contra for-
mam statuti.
*The subse-
quent cita-
tions in Eng-
land are
W. & M. c.
10 & the
1. c. 30.*

BE it remembered, that at the general Quarter-sessions of the peace of the lord the king, held at the town of Hertford, in and for the said county, on Monday in the first week next after the Epiphany of our Lord, to wit, on the 8th day of January, in the 34th year, &c. before C. C. kt. &c. and others their fellows, justices of the said lord the now king, assigned to preserve the peace in and for the said county; and also to hear and determine divers felonies, trespasses and other misdeeds in the said county perpetrated, comes one James Lewin, and gives the justices aforesaid here to understand and to be informed, that one J. S. of, &c. and T. W. of, &c. on the 5th day of January, in the 34th year aforesaid, with force and arms, &c. at H. in the county of H. aforesaid, unlawfully did hunt a certain red-deer, in a certain wood of the most noble John earl of Sarum, commonly called Hoddesdon woods, in the county of H. aforesaid, where red-deer then were, and before that time usually were kept, without the licence or consent of the said most noble J. earl of S. possessor and proprietor of the said wood, or of any other person specially entrusted with the custody thereof; and the said red-deer then out of the said wood did chase and drive away unto, &c. in the county aforesaid, and the said red-deer at, &c. did kill, against the form of the statute in such case made and provided. And thereupon upon the examination of two credible witnesses, testifying upon their oaths, of and upon the premises, it appears to the justices aforesaid, at the session of the peace aforesaid, held in and for the said county, that the said J. S. and W. T. are guilty and convicted, and that each of them is guilty and convicted of the said premises; and the said justices here declare and adjudge them the said J. S. and T. W. and each of them, to be convicted thereof; therefore it is considered by the justices aforesaid, at the session of the peace aforesaid here, that each of them, the said J. S. and T. W.

Convictions, &c.

T. W. pay the sum of 20*l*. to wit, one moiety thereof to the said earl of Sarum, and the other moiety thereof to the said James Lewin, according to the form and effect of the said statute.

** The King against White, and others.*

**P. 327.*

Michaelmas, 35th Charles 2d.

Essex, } **B**E it remembered, that on the 11th day of July, Conviction
to wit, } in the 35th year, &c. one Laurence Herd, of, &c. before one
comes in his proper person, before John Meade, of, &c. esq; justice of
then and as yet one of the justices of the said lord the king, peace, on
assigned to preserve the peace of the said lord the king in the the oath of
said county of Essex, at Chelmsford in the said county, and one witness,
gives the said justice of the peace to understand, and to be for hunting
informed, that one Jn. White, of, &c. T. W. of, &c. J. W. and chasing
of, &c. and H. B. of, &c. on the 12th day of February, a fallow deer
in the thirtyfifth year aforesaid, in a certain park, then in a park.
and long before, and as yet, of one Catherine Turner, widow,
called Newman-hall-park, in the parish of Quinden,
in the county of Essex, aforesaid, then, and long before, and
as yet being land in which fallow-deer then were, and long
before, and as yet have been usually kept, unlawfully did
hunt and chase the fallow-deer there, without the consent of
the said Catherine Turner, then proprietor of the said park,
against the form of the statute in such case made and provided.
And afterwards, to wit, on the said 11th day of July, in the
35th year aforesaid, one credible witness, to wit, William
Catimer, of, &c. came before the said J. Meade, then and
there as aforesaid being a justice of the peace at Chelmsford,
in the said county of Essex, and before the said justice of the
peace, upon his oath upon the Holy Gospel of God, to him
then and there by the said justices of the said lord the king of
the peace, given and administer'd according to the command of
the said statute, did depose, swear and say, that the said J. W.
T. W. J. W. and H. B. on the said 12th day of February,
in the 35th year aforesaid, in the said park and land aforesaid,
said,

Convictions, &c.

said, one fallow-deer of the said C. T. in the parish of Quinden aforesaid, unlawfully did hunt and chase, without the consent of the said C. T. then proprietor of the said park, or of any other person, having the custody of fallow deer there, and thereupon the said J. W. T. W. J. W. and H. B. on the said 11th day of July, in the 35th year aforesaid, at Chelmsford aforesaid, before the said justice of the peace, by the oath of one witness aforesaid, according to the form of the said statute thereupon made and provided, are convicted, and each and every of them is convicted; and for the offence aforesaid, each and every of them, to wit, the said J. W. T. W. J. W. and H. B. according to the form of the said statute, severally hath forfeited the sum of twenty pounds, one moiety thereof to the said L. H. the informer as aforesaid in this behalf, and the other moiety thereof to the said C. T. the proprietor as aforesaid, of the said fallow-deer. In witness whereof, I, the said justice, have set my hand hereunto, on the day, year and place first above mentioned.

John Meade.

*P. 328.

* The King *against* Dobson.

Hilary, 32d. & 33d. Charles 2d. Roll 81.

Conviction
before one
justice, for
hunting and
killing a fallow deer.

Cumberland, } **B**E it remembered that on the 3d day of
To wit. } September, in the 32d year of the reign of
the lord Charles the 2d, late king of England, &c. one Benjamin Granger, of, &c. gent. comes before John Aglionby, esquire, one of the justices of the lord the king, assigned to preserve the peace of the said lord the king, in the said county of Cumberland, at G. in the said county, and gives the said justice of the peace to understand and to be informed, that one James Dobson, late of, &c. J. B. late of, &c. L. M. late of, &c. on the 25th day of August, in the 32d year of the reign of the said lord the now king aforesaid, in a certain park, then of the most noble Hen. duke of Norfolk, called G. park, in the parish of G. aforesaid, then and long before, and as yet being land in which deer then were, and long before usually were kept, unlawfully did hunt, and a certain fallow deer of the said duke, then being in the said park, did kill, take and carry away, without the consent of the said duke, then

Convictions, &c.

then proprietor of the said park, or of Andrew Huddleston, esquire, then being especially entrusted with the custody of the said park, against the form of the statute in such case made and provided, and afterwards, to wit, on the said 3d day of September, in the 32d year aforesaid, two credible witnesses, to wit, J. H. of, &c. and T. B. of, &c. came before the said justice of the peace, at G. aforesaid, and before the said justice of the peace upon their oath, upon the holy Gospel of God, to them then and there, by the said justice of the peace, according to the command of the said statute given and administered, did depose, swear and say, and each of them then and there did depose, swear and say, upon the said oath, that the said J. D. J. B. and L. M. on the said 25th day of August, in the 32d year aforesaid, in the said park and land, of the said duke of Norfolk, in the parish of G. aforesaid, unlawfully did hunt, and the said deer called a fallow deer, of the said duke, then in the said park or land, did take, kill and carry away, without the consent of the said duke, then proprietor of the said park, or of the said A. H. esquire, then specially entrusted with the custody of the said park and land as aforesaid, and thereupon they the said J. D. J. B. and L. M. on the said 3d day of September, in the 32d year aforesaid, at G. aforesaid, before the said justice of the peace, by the oath of the said two witnesses, according to the form of the said statute, thereupon made and provided, are convicted, and each and every of them is convicted, and for the said offence, each and every of them, the said J. D. J. B. and L. M. according to the form of the statute aforesaid, severally have forfeited the sum of 20l. one moiety thereof to the said B. G. the informer, in this behalf as aforesaid, and the other moiety thereof to the said duke, the proprietor of the said fallow deer as aforesaid, &c.

* *Stiles against Felton and others.*

*P. 329.

Suffolk, } **BE** it remembered, that on the 1st day of March, To wit. } in the 23d year of the reign of the lord Charles the 2d, the now king of England, &c. T. Styles of, &c. at Marlford, in the said county, in his proper person, came before me, S. Allton, esquire, one of the justices of the said lord the king, assigned to preserve the peace in the said county, and then and there gave me to understand, and to be informed of the unlawful hunting of a certain fallow-deer, in the park

Conviction upon the oaths of several witnesses, for hunting a deer in a park.

Convictions, &c.

park of one Anthony Gaudy, esquire, within the parish, &c. in the county of Suffolk aforesaid, commonly called Grimsted-park, by H. Felton of, &c. baronet, A. Felton of, &c. esquire, J. Gosse, of, &c. labourer, J. Howard, of, &c. W. Numi, of, &c. done and committed without the licence and consent of the said Anthony Gaudy, esq; possessor and proprietor of the said park, or of any other person specially entrusted with the custody thereof, and afterwards to wit, on the said 11th day of March, in the 23d year of the reign of the said lord Charles the 2d the now king of England, &c. aforesaid, at Marlford aforesaid, in the said county of Suffolk, before me the said S. Alston, esquire, being as aforesaid, one of the justices of the said lord the king, assigned to preserve the peace in the said county, and at the prosecution of the said T. Styles, came J. Knight of, &c. T. Fenn of, &c. and J. Sadd, of, &c. being witnesses credible and worthy of credit, in their proper persons, and then and there before me the said justice of the peace, &c. upon the Holy Gospel of God, were sworn, and each and every of them was sworn, and did take his corporal oath by me the said justice of the peace, &c. to them and to each and every of them, administered by the authority of a certain statute, made and provided in the parliament of the said lord the now king, held at Westminster, in the said county of Middlesex, on the 8th day of May, in the 13th year of his reign; and they the said J. K. T. F. and J. F. so as aforesaid, being sworn, then and there upon their oaths did say, depose and swear, and each and every of them then and there before me the said justice of the peace, &c. did say, depose and swear upon his oath aforesaid, that the said H. F. A. F. J. G. J. H. and W. N. after the first day of August, in the 13th year of the reign of the said lord the now king aforesaid, and within six months next before the said information to me, the said justice so as aforesaid given, to wit, upon the 26th day of September, in the 22d year of the reign of the said lord the now king, with force and arms, &c. unlawfully and unjustly, in the park of the said Anthony Gaudy, esquire, called G. park, in the parish of T. St. Martin, in the county of Suffolk aforesaid, without the licence or consent of the said A. G. then being possessor and proprietor of the said park, or of any other person entrusted with the custody of the said park, one fallow deer, being in the said park, did hunt, and each and every of them did hunt, whereby I the said justice, to preserve the peace, &c. do declare and adjudge them the said H. F. A. F. J. G. J. H. and W. N. to be guilty and convicted, and each and every of them to be guilty and convicted of the said unlawful hunting, in the said park, of the said

Convictions, &c.

saïd A. G. esquire, without the licence or consent of the saïd A. G. then and as yet possessor and proprietor of the saïd park, or of any other person entrusted with the custody of the saïd park, * against the form and effect of the saïd statute, and therefore they the saïd H. F. A. F. J. G. J. H. and W. N. and each and every of them by me the saïd justice to preserve the peace, &c. by force of the saïd statute of the saïd unlawful hunting against the form of the saïd statute are convicted, and each and every of them separately by himself is convicted. In witness whereof to this present record of the conviction aforesaid, I have set my hand and seal at Marlford aforesaid, the day and year first above written.

*P. 330.

Samuel Alston, (L S).

one of the justices of the lord the king of the saïd county.

The King against Dennis.

To wit. **H**ERETOFORE to wit, at the general session of the peace held at the castle of Exeter in the saïd county on the 30th day of the month of September. in the 42d year of the reign of the lady Elizabeth the late queen of England, &c. before W. Courtenay. knight, W. S. knight, J. H. serjeant at law and others, their fellows justices of the saïd lady the queen, assigned to preserve the peace in the saïd county, and also to hear and determine divers felonies, trespasses, and other misdeeds in the saïd county perpetrated, there was exhibited in the open court at same session of the peace by the saïd J. H. serjeant at law, and under the hand and seal of the saïd J. the record of the conviction of Thomas Dennis of Y. in the saïd county, husbandman, for certain trespasses and contempts against the form of the statute, enacted against using a dagger or hand gun, the tenor of which conviction follows, in these words, to wit, "*Devonshire, to wit, on the 29th day of July, in the 42d year of the reign of the lady Elizabeth, by the grace of God, the now queen of England, &c. Thomas Dennis, of Telhampton in the county of Devon, was brought before me John Heale, serjeant at law, one of her majesty's justices of the peace for the saïd county, by John Welsh, of T. aforesaid, yeoman, for that he the saïd T. D. in the full court of the manor of Telhampton, in the parish of T. aforesaid, holden, sithence her majesty's last general pardon, had secretly about him a pistol (sur under*

Conviction before a justice of the peace (on the defendant's confession) for carrying about him a dagger or hand gun, against the statute; the justice made a warrant and committed him to gaol and returned the conviction on to the quarter sessions.

Convictions, &c.

the length mentioned in the statute, in that behalf made) by some called a dagge or hand gun, to the offence and disturbance of her majesty's subjects then assembled, and upon examination before me being the next justice of the peace, within the said county, and by the confession of the said Dennis, that was found to be true, that he the said T. Dennis had secretly about him, sithence the said pardon, a pistol under the length aforesaid, by some called a dagge or hand gun, contrary to the laws and statutes in that behalf made, wherefore I do by these presents commit the said T. Dennis to the goal of the castle of Exeter, there to remain until the said T. D. hath satisfied or paid the penalty or forfeiture, for the said offence the one moiety to her majesty, the other moiety to the said J. Welsh, and I do hereby will and command the goaler of the said goal, and his lawful deputy in that behalf to take the said T. Dennis into his custody, and keep him 'til he be deliver'd according to the laws and statutes of this realm. In witness whereof I have hereunto set my hand and seal the day and year first above written." Whereupon the said T. D. being called appeared at the said session, and by the consideration and by the judgment of the court, was committed for the said trespass and contempt to the said goal of the lady the queen, of the castle of Exeter, there to remain until that he should pay the sum of ten pounds of the lawful money of England, forfeited by the said statute, to the use as well of the said lady the queen, as of the said J. Welsh, of Y. aforesaid, according to the tenor and effect of the said statute. Afterwards to wit, on the 3d day of October, in the 42d year of the reign of the said lady the queen aforesaid, the said T. D. satisfied and paid T. R. knight, then sheriff of the said county, the said sum of ten pounds to the use aforesaid, and thereupon was discharged and delivered out of the said goal, which record the lady the now queen, for certain causes hath caused to come before her to be determined, &c. And now to wit, on the Wednesday, next after fifteen days of Easter, in this same term before the lady the queen at Westminster, comes the said T. D. in his proper person, and having had oyer of the record of the conviction aforesaid, saith that he doth not apprehend, that the said lady the queen, nor the said J. W. who as well, &c. ought to have the said 10l. in the said record specified, or one penny thereof; because he saith, that the said record is not sufficient in law to put the said T. D. to answer to the said record, and that no process against him upon the said record by the law of the land, ought to be made, for this, to wit, because that it doth not appear by the said record, that the said J. Welsh took the said pistol, called a dagge or hand gun, about the said T. D. nor at what day, year, and certain place, the said T. D. had the said pistol about him, as by the law and statute thereupon made and provided, ought to be made. Whereupon for the insufficiency of the said record, he prays judgment, and that

*P. 331.

Defendant appeared at the sessions & was committed to the goal, till he paid the fine, afterwards defendant pays the fine to the sheriff & is discharged out of custody; the record is afterwards certified to the Queen's Bench, defendant appears there, and demurs to the record.

Convictions, &c.

he of the premises, by the court here may be discharged, &c. Judgment
quod eat si-
ne die.
Whereupon all and singular the premises being seen, and by the court here understood, because that it seems to the court here, that the said record is not sufficient in law, as the said T. D. for his discharge from the premises above, by pleading hath alledged, it is considered, that the said T. go thereof without day, &c.

* *The King against Roberts.*

*P. 332.

Michaelmas, 27th Charles 2d.

County of the city of } BE it remembered, that on the 24th
Canterbury, to wit. } *day of June, in the 27th year of* Record of
conviction
before two
justices of
the peace &
the sheriff of
the county
upon their
view for rid-
ding sky-
mington.
the reign of the lord Charles the 2d, the now king of Eng-
land, &c. we, Squire Beverton the elder, gent. and T. Fidge,
gent. two justices of the said lord the king, assigned to pre-
serve his peace in the said city, and in the county of the said
city, and W. Pyfing, gent. sheriff of the said city, at the
heavy complaint and humble petition of Richard Harding,
of the city aforesaid, vintner, in our proper persons repaired
to the publick street, called High-street, in the parish of
St. Mary, Bredman, and of all Saints, in the ward of West-
gate, of the said city, and in the county of the said city,
and then and there we found Joseph Roberts, of, &c. gent.
W. Porter, of, &c. H. Mason, of, &c. and R. Ellis, of, &c.
and other malefactors and disturbers of the peace of the said
lord the now king, to the number of 200 persons and more,
to us entirely unknown, armed in a warlike manner, to wit,
with swords and flaves, and with other arms as well offensive
as defensive, unlawfully, riotously, and routously assembled
and collected, to disturb the peace of the said lord the now
king, and to have and bring the said Richard Harding and
Elizabeth his wife into disgrace, contempt and public derisi-
on; and by the procurement of the said J. Roberts, the said
W. Porter, then and there did clothe himself in womens ap-
parel, and the said H. Mason and R. Ellis, then and there
did clothe themselves in unusual apparel, and so being apparel-
led by the procurement and instigation of the said J. Roberts,
(who then and there did associate himself with them) then and
there in the said street, with force and arms, hither and thither,
unlawfully

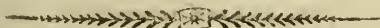
Convictions, &c.

unlawfully, riotously and routously, and with a great clamour did ride. calling and declaring that their riding aforesaid, was riding of Skyminington, for the said R. H. and Eliz. his wife, and did strike each other there, and did speak, utter and pronounce then and there openly and publicly, and with a loud voice, obscene and scandalous words, and these unlawful riotous acts they the said, W. P. H. M. and R. E. by the unlawful procurement and instigation of the said J. R. then and there with force and arms, unlawfully did commit and perpetrate, to the abuse and derision of the said R. H. and E. his wife, and in contempt of the said lord the now king, and of his laws, (although they by us S. Beverton and T. Fidge, then being two justices of the said lord the king, assigned to preserve the peace in the said city, and in the county of the said city, were commanded to abstain from the perpetration of such their unlawful and riotous acts) against the form of the statute in such case lately made and provided, and against the peace of the said lord the now king his crown and dignity, &c. and we the said S. B. and T. F. two of the justices of the said lord the king, assigned to preserve the peace in the county of the said city, them the said J. Roberts, W. Porter, H. * Maion and R. Ellis, of the unlawful meeting, assembly and riot aforesaid, by our view and record have convicted, and we, them the said J. Roberts, W. Porter, H. Maion and R. Ellis, and the other persons so unlawfully and riotously assembled, then and there, as much as in us lay, and with the whole power of the constables, and of other persons of the said city, (whom we summoned to our aid,) endeavoured to arrest, and to bring to the next goal of the said lord the king, in the county of the said city, as being convicted by our view and record, of the unlawful assembly and riot aforesaid, there to remain until that they should pay fine to the said lord the king thereupon, but by reason of the number of the persons so unlawfully, riotously and routously assembled, we were not able; but the said J. R. W. P. H. M. and R. E. and the other persons so unlawfully, riotously and routously assembled, from us with force and arms did escape. In witness whereof, to this our present record we have put our seals, dated at the said city of Canterbury, the day and year aforesaid, &c.

*P. 333.

On motion to quash this conviction, the court adjudged the conviction good, and affirmed it, and fined Roberts, the ringleader 40l. and the rest 10l. a piece, it is reported, 3 Keble, 587.

Proceedings upon the Statute of
Westminster, 2d chap. 46, against
persons for throwing down fences
in the night.



*The King and Street against the Inhabitants of Hil-
vil, and others.*

Trinity, 30th Charles 2d.

Writ to the
sheriff to
distrain the
adjacent
vills.

Dorset, } **T**HE lord the king hath sent to the sheriff of
to wit, *§* the county aforesaid, his writ close in these
words: Charles the Second, &c. To the sheriff of Dorset,
greeting. Whereas lately by our writ, issuing out of our
court of Chancery, we commanded John Every, esquire, late
sheriff of the county of Dorset aforesaid, by the oaths of good
and lawful men of the county aforesaid, by whom the truth of
the matter might be the better known, diligently to enquire,
what malefactors and disturbers of our peace, at the parish of
Hermitage, in the county aforesaid, with force and arms, the
hedges, ditches, gates, rails, and stiles of John Street, gent.
there lately by him raised and erected by night or at such time
as they believed their deeds could not be known, had prostra-
ted, and other wrongs to him had done, to the great damage
of the said John Street, and against our peace, and if the said
John Street * should give security to the said late sheriff of
prosecuting his complaint, then that the said late sheriff should
put by gages and safe pledges, all those whom he should find
guilty thereof, that they should be before us on the morrow
of the Holy Trinity last past, wheresoever we should then be
in England, to answer as well to us for the breaking of our
peace, as to the said John Street of the trespass aforesaid;
and the said late sheriff hath returned to us at that day, a cer-
tain inquisition indented, taken before him at Dorchester in
the same county, on the 9th day of July, in the 29th year of
our reign, by virtue of the said writ to him directed, and
annexed to the said inquisition, by which it was found by the
oath of twelve jurors, good and lawful men of the said
county

Recital of a
former writ
to enquire
who were
the malefac-
tors that
prostrated
the hedges,
&c.

* P. 334

Recital of
the inquisi-
tion, taken
by virtue of
the recited
writ,
by the for-
mer sheriff

Proceedings upon the statute of West. 2d C. 46.

to wit,
that the
plaintiff is
interest'd for
the remain-
der of a term
of years, in
H. common
parcel of the
manor of F.
&c.
that he in-
closed the
same & that
certain ma-
lefactors
prostrated
the inclo-

county of Dorset, that the said J. Street in the said writ named on the first day of January, in the 24th year of our reign, and always afterwards until then, was interested, and then was interested, for the remainder of a certain term of 31 years, then and as yet to come and unexpired, of and in a certain waste or common, commonly called Hermitage-Common, containing by estimation 300 acres or thereabouts, situate, lying and being within the parish of Hermitage in the county aforesaid, parcel of the manor of Fotherington in the said county, and also parcel of the dutchy of Cornwall; and that he the said John Street, being as aforesaid interested, afterwards, to wit, on the 1st day of June in the 25th year of the our reign, at Hermitage aforesaid, in the county aforesaid, the said waste with hedges, ditches, gates, rails, and stiles did inclose, and after the inclosure thereof, certain malefactors and disturbers of the peace, to the jurors aforesaid altogether unknown, afterwards, to wit, on the 10th day of June, in the 25th year of our reign, at Hermitage aforesaid, in the county aforesaid, by night, or at such time as they believed their deeds could not be known, with force and arms, &c. 12 perches of the said ditches in and about the waste aforesaid, lately before by him the said John Street raised and erected, had prostrated; and that certain other malefactors and disturbers of our peace, to the jurors aforesaid altogether unknown, afterwards, to wit, in the 26th year of our reign, at the parish of Hermitage aforesaid, in the county aforesaid, by night, or at such time as they believed their deeds could not be known, with force and arms, &c. 15 other perches of dead hedges, gates and stiles, lately before by him the said John Street, in and about the waste aforesaid, raised and erected, had prostrated and thrown down; and that afterwards, to wit, in the 27th year of our reign, certain other malefactors and disturbers of our peace, to the jurors aforesaid in the like manner unknown, at the parish of H. aforesaid, by night, or at such time as they believed their deeds could not be known, with force and arms, &c. 20 perches of dead hedges and gates, and stiles, lately by him the said John Street, in and about the said waste, in like manner raised and erected, had prostrated and thrown down; and that upon the 20th day of April last past, certain other malefactors and disturbers of our peace, to the jurors aforesaid in like manner unknown, at the parish of Hermitage aforesaid, in the county aforesaid, by night, or at such time as they believed their deeds could not be known, with force and arms, &c. 10 perches of hedges and ditches, and gates and rails, late before by him the said John Street in and about the said waste, in like manner raised and erected, had prostrated and cut down; and as by inspection of the said writ, and of the said inquisition by the said late sheriff returned, by virtue of the said writ before us, and there of record now remain-

Proceedings upon the statute of West. 2d C. 46.

ing, to us manifestly appears; we command you that you do not omit by reason of any liberty in your bailiwick, but that you distrain the vills next adjacent to the said hedges, ditches, gates, rails, and stiles so prostrated as aforesaid; also we command you, that by the oath of good and lawful men of your co. by whom the truth of the matter may be the better known, you diligently enquire, what damages the said John Street hath sustained, by occasion of the prostration of the said hedges, ditches, gates, rails and stiles; and that you restore those damages to the said John Street, and how you shall have executed this our command certify to us, from the day of Easter, in fifteen days, wheresoever we shall then be in England, under your seal, and the seals of those by whose oath you shall take the said inquisition, then returning to us this our writ. Witness, R. Raynsford at Westminster, the 22d day of February, in the 30th year of our reign. At which fifteen days of Easter, Robert Pelham, esquire, sheriff of the said county, before the lord the king, at Westminster, returns to the lord the king, as follows, to wit; Mainpernors of the inhabitants of Holnest, Hillvill, Sydling, Hartley, Great Minterne, and Middlemarsh, in the within written county of Dorset, being the vills next adjacent to the said hedges, ditches, gates, rails and stiles, John Doe and Richard Roe, the issues of the inhabitants of the vill of Holnest aforesaid, 10l. the issues of the inhabitants of the vill of Hillvill aforesaid, 10l. the issues of the inhabitants of the vill of Sydling aforesaid, 10l. the issues of the inhabitants of the vill of Hartley aforesaid, 10l. the issues of the inhabitants of the vill of Great Minterne aforesaid, 10l. the issues of the inhabitants of the vill of Middlemarsh aforesaid, 10l. and further I certify to the lord the king, that, that writ was delivered to me so late, that by reason of the shortness of the time, I could not restore to the within named John Street, the damages in the inquisition annexed to this writ; the residue of the execution of this writ, appears in the said inquisition, Robert Pelham, esquire, sheriff; Inquisition indented, taken at Dorchester, in the county of Dorset, on the 13th day of April, in the 30th year of the reign of our lord Charles the 2d, the now king of England, &c. before me Robert Pelham, esquire, sheriff of the said county, by virtue of the writ of the lord the king, to this writ annexed, by the oath of John Cardrowe, and 11 others, good and lawful men of the said county, who being sworn and charged upon the premises, in the said writ to this inquisition annexed, say upon their oath, that J. Street, in the said writ, to this inquisition annexed, mentioned, hath sustained damages by the occasion of the premises in the said writ mentioned, to 360l. In witness whereof, as well I the said sheriff, as the said jurors, to this inquisition have severally

command of
this writ.

Return of
the writ of
distringas.

mainpernors

Issues re-
turned upon
six villis.

Inquisition
of the da-
mages done
to plaintiff,
amounting
to the sum
of 360l.

Two inhabitants of each vill appear in the name of all the inhabitants of the respective vills.

* P.336.

The inhabitants of 2 of the vills plead, that the other 4 vills are the next vills, &c.

The inhabitants of the other 4 vills demur to the distringas & return.

severally put our seals, on the day, year and place aforesaid, Robert Pelham, esquire, sheriff, (L.S.) &c. And now, to wit, on the Friday next after the morrow of the Holy Trinity, in this same term, before the lord the king, at Westminster, come Nathaniel Rawles and Robert Day, two inhabitants of the vill of Holnest aforesaid, in the name of all the inhabitants of the said vill, C. Whiffen and A. Flambert, two inhabitants of the vill of Hilvill aforesaid, in the name of all the inhabitants of the said vill, T. Hayne and T. Croade, two inhabitants of the vill of Sydling aforesaid, in the name of all the inhabitants of the said vill, T. Scutt and W. Fox, two inhabitants of the vill of Hartley aforesaid, in the name of all the inhabitants of the said vill, * R. Harris and W. Gould, two inhabitants of the vill of Great Minterne aforesaid, in the name of all the inhabitants of the said vill, and W. Granger and J. Granger, two inhabitants of the vill of Middlemarth aforesaid, in the name of all the inhabitants of the said vill, by William Eyre, their attorney, and having had oyer of the said writ of distringas and the return thereto made, they the said N. Rawles and R. Day, two inhabitants of the vill of Holnest aforesaid, in the name of all the inhabitants of the said vill, and T. Hayne and T. Croade, two inhabitants of the vill of Sydling aforesaid, in the name of all the inhabitants of the said vill, say that they do not apprehend that the said lord the now king, will or ought to impeach or trouble the inhabitants of the vills of Holnest, and Sydling aforesaid, because of the premises, because they say that the vills of Hilvill, Hartley, Great Minterne and Middlemarth, at the time of the prostration of the hedges, ditches, gates, and rails, in the inquisition aforesaid, mentioned, were the only four vills next adjacent to the said place inclosed by the said John Street, in the said inquisition mentioned, and that the said vills of Holnest and Sydling, at the same time were and as yet are more remote, from the said place inclosed than the said vills of Hilvill, Hartley, Great Minterne, and Middlemarth, then were or are, and this they are ready to verily, &c. wherefore they pray judgment, &c. And the said C. Whiffen and A. Flambert, two inhabitants of the vill of Hilvill aforesaid, in the name of all the inhabitants of the said vill, T. Scutt and W. Fox, two inhabitants of the vill of Hartley aforesaid, in the name of all the inhabitants of the said vill, T. Harris and W. Gould, two inhabitants of the vill of Great Minterne, in the name of all the inhabitants of the said vill, and the said W. Granger and J. Granger, two inhabitants of the vill of Middlemarth aforesaid, in the name of all the inhabitants of the said vill, say that they do not apprehend that the said lord the

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now king, will or ought any further impeach or trouble, because of the premises, the inhabitants of the vill of Hilvill, Hartley, great Minterne and Middlemarsh, because they say that the writ of distringas aforesaid, and the return thereto made are not sufficient in law, to which they have no necessity, neither are they bound by the law of the land, in any manner to answer, and this they are ready to verify, wherefore for the insufficiency of the said writ of distringas, and the return thereto made they pray judgment, and that they by the court here may be dismissed, &c. and for causes of their demurrer in law, they the said C. Whiffen and A. Flambert, in their own names and in the names of all the inhabitants of the vill of Hilvill aforesaid, T. Scutt and W. Fox, in their own names and in the names of all the inhabitants of the vill of Hartley aforesaid, R. Harris and W. Gould. in their own names and in the names of all the inhabitants of the vill of great Minterne aforesaid, and W. Granger and J. Granger, in their own names and in the names of all the inhabitants of the vill of Middlemarsh aforesaid, shew these causes following to wit, for this because that it doth not appear by the inquisition in the said writ mentioned, that the said place mentioned in the said inquisition to have been inclosed by the said John Street. was a place in which at the time of such inclosure, any person had a right of commonage; nor that he the said J. Street, at the time of the said inclosure or at any time afterwards, was lord of any manor of * which the place so inclosed was parcel; nor that he the said John Street, at the time of the inclosure thereof, or ever afterwards had any right of inclosing the place so by him inclosed; and for this, because that it appears by the said inquisition that the said John Street, inclosed the whole place in the said inquisition mentioned, and it doth not appear by the said inquisition, that he hath left as much pasture for those who have right of commonage there as is sufficient for their tenements, with free ingress and egress as by the form of the statute upon which the said writ is grounded, ought to be made; and finally, because that it doth not appear by the said inquisition but that the said John Street, hath determined his estate of and in the said place so inclosed, before the issuing of this writ And Samuel Astry, esquire, coroner, and attorney of the lord the king, in the court of the said lord the king, before the king himself, who for the said lord the king, in his behalf prosecutes, and the said John Street for himself, having heard as well the plea by the said N. Rawls, and R. Day, in the name of all the inhabitants of the vill of Holnest aforesaid, and by the said T. Hayne and T. Croade, in the name of all the inhabitants of the vill of Sydling aforesaid,

Special
causes of de
murrer.

1st cause.

2d cause.

* P. 337.

3d cause.

4th cause.

5th cause.

6th cause.

The king's
coroner and
attorney and
the plaintiff
reply as to
the plea of
the two villis,
that all the
6 villis were
the next villis,
and traverse
that the

other four
vills are the
only next
vills.

in the manner and form afore said, above pleaded, as the said plea by the said C. Whiffen and A. Flambert, in the name of all the inhabitants of the vill of Hilvill, and by the said T. Scutt and W. Fox, in the name of all the inhabitants of the vill of Hartley afore said, and by the said R. Harris and W. Gould, in the name of all the inhabitants of great Minterne afore said, and by the said W. Granger and J. Granger, in the name of all the inhabitants of the vill of Middlemarsh afore said, in the manner and form afore said, above pleaded, say that the said lord the now king, and the said John Street, by any thing by the said N. R. R. D. T. H. and T. C. above by pleading, alledged, ought not to be precluded from the said writ of distringas, and the return made thereto against the inhabitants of the vills of Holneft and Sydling afore said, because they say that as well the said vills of Holneft and Sydling afore said, as the said vills of Hilvill, Hartley, great Minterne and Middlemarsh, at the time of the prostration of the hedges, ditches, gates, rails, and stiles, in the inquisition mentioned, are the vills, next to said place so inclosed, without this, that the said vills called Hilvill, Hartley, great Minterne and Middlemarsh, at the time of the prostration of the hedges, ditches, gates, rails and stiles, in the inquisition mentioned, are the only next vills, next adjacent to said place so inclosed as the said N. R. R. D. T. H. and T. C. above by pleading, have alledged, and this they are ready to verify as the court, &c. whereupon they pray judgment and that the inhabitants of the vills of Holneft and Sydling afore said, may be convicted of the premises by the court here. And they further say that the said writ of distringas, and the return thereto made, are good and sufficient in law, to which the inhabitants of the vills of Hilvill, Hartley, great Minterne, and Middlemarsh afore said, have necessity and by the law of the land are bound to answer, wherefore because that the said inhabitants of the said vills of Hilvill, Hartley, great Minterne, and Middlemarsh afore said, have not answered to the said writ of distringas and to the return thereto made nor them in any manner have denied they pray judgment and that the inhabitants of the vills of Hilvill, Hartley, great Minterne and Middlemarsh afore said, of the premises by the court here may be convicted, &c. &c.

And join in
demurrer
with the
other 4
vills.

*P. 338. The King against the Inhabitants of Hannam.

Hilary, the 33d and 34th Charles 2d.

Writ to the
sheriff to
enquire of

Charles the }
2d, &c. } TO the sheriff of Gloucester, greeting. We
command you by the oath of good and law-
ful

Proceedings upon the Statute of West. 2d. C. 46.

ful men of your county, by whom the truth of the matter may be the better known, diligently to enquire what malefactors and disturbers of your peace at West-hannam, within the parish of Bitton, in our county, with force and arms, the hedges, ditches, walls, gates, rails and stiles of Francis Creswick, esquire, there lately by him raised and erected, by night or at such time as they believed that their deeds could not be known, did prostrate and fill up, and other wrongs to him did, to the great damage of the said Francis, and against our peace, and if the said Francis shall give you security for prosecuting his complaint, then put by gages and safe pledges, all those whom you shall find guilty thereof, that they be before us on the morrow of the purification of the blessed Virgin Mary, wheresoever we shall then be in England, to answer as well to us of the breach of our peace, as to the said Francis of the said trespass, and have there the names of those by whose oath you shall make that inquisition, and this writ. Witness our self at Westminster, the 16th day of December, in the 33d year of our reign.

the brackets
of the hed-
ges, &c.

Adderley.

The execution of this writ appears in a certain inquisition to this writ annexed, W. W. esquire, Sheriff.

Gloucester, } **I** NQUISITION indented taken at Tetbury, Inquisition
To wit, } in the said county, on the 2d day of February finds the
in the 34th year of the reign of our lord Charles the 2d, the hedges
now king of England, &c. before me W. Wall, esquire the- broke.
riff of the said county, by virtue of the writ of the lord the
king to me directed, and to this inquisition annexed by the
oath of C. H. &c. good and lawful men of my bailiwick
who say upon their oath that certain malefactors and distur-
bers of the peace of the said lord the king, on the first day
of February, in the 32d year of the reign of the said lord
the now king, and at divers other days and times, between
the said 1st day of February, and the 21st day of December,
in the 33d year of the reign of the said lord the now king, at
West-hannam in the said county, with force and arms, &c.
with a multitude of persons unknown, sixty perches of rails
30 perches of wall, three hundred and eighty feet of ditch and
fence, ten gates and three stiles of the said Francis Creswick,
in the said writ named at West-hannam aforesaid, lately raised
and erected in the nights of the said days, did prostrate and
also 15 trees of the said Francis did cut down, to the great
damage of the said Francis Creswick, but who so prostrated
the hedges, ditches, fences, gates and stiles * or any part of
them the said jurors aforesaid, are entirely ignorant, and in
like manner say upon their oath that the malefactors afore-
said,

P. 339.

Writ to dis-
train the
next vils &
to enquire
what damage
the plaintiff
hath sustain-
ed.

said, who committed the misdeeds aforesaid, so as aforesaid, came with such power and multitude of persons, and committed the said misdeeds in the night time, so that no person dare approach nigh to them, to discover them. In witness whereof, to this inquisition as well I the said sheriff, as the said jurors, have put our several seals, the day and year aforesaid, W. Wall, esquire, sheriff, (L.S.) &c. Charles the 2d, &c. To the sheriff of Gloucester, greeting. Whereas lately by our writ, we commanded you by the oath of good and lawful men of your county, by whom the truth of the matter might be the better known, diligently to enquire what malefactors and disturbers of our peace at West-hannam, within the parish of Bitton in your county, with force and arms, the hedges, ditches, walls, gates, rails and stiles of Francis Creswick, esq; there lately by him raised and erected by night, or at such time as they believed that their deeds could not be known, had prostrated and filled up and other wrongs to him had done, to the great damage of the said Francis, and against our peace; and if the said Francis should give you security to prosecute his complaint, then that you should put by gages and safe pledges, all those whom you should find guilty thereof, that they should be before us on the morrow of the purification of the blessed Virgin Mary last past, wheresoever we should then be in England, to answer as well to us of the breach of the peace, as the said Francis of the trespass aforesaid, and you at that day returned to us, that by a certain inquisition indented, taken at Tetbury, in your county, on the 2d day of February, in the 34th year of our reign, before you, by virtue of the said writ, it is found by the oath of twelve jurors, good and lawful men of your said county, that certain malefactors and disturbers of our peace, on the 1st day of February, in the 32d year of our reign, and at divers other days and times, between the said 1st day of February and the 21st day of December, in the 33d year of our reign, at West-hannam, in the said county, with force and arms, &c. with a multitude of persons unknown, 60 perches of rails, 30 perches of walls, 380 feet of ditch and fence, 10 gates and 3 stiles, of the said Francis Creswick, at West-hannam aforesaid, lately raised and erected, in the nights of the said days had prostrated, and also 15 trees of the said Francis, had cut down, to the great damage of the said Francis Creswick, but those who had so prostrated the said hedges, ditches, fences, gates and stiles, the said jurors were entirely ignorant, and in like manner they said upon their oath, that the malefactors aforesaid, who had so committed the misdeeds aforesaid, so as aforesaid, had come with such power and multitude of persons, and had committed the said misdeeds in the night time, so that no person dare

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dare to approach nigh to them, to discover them, as by inspection of the writ aforesaid, and of the inquisition aforesaid, by you, by virtue of the writ aforesaid, returned before us, and there now remaining of record, manifestly appears to us; we command you, that you do not omit, by reason of any liberty in your bailiwick, but that you distrain the vills next adjacent to the said hedges, ditches, walls, fences, gates and stiles, to raise the said hedges, ditches, walls, fences, gates and stiles, at their own proper cost, also we * command you, by the oath of good and lawful men of your county, by whom the truth of the matter may be the better known, to enquire diligently, what damages the said Francis Cieswick hath sustained, by occasion of the said prostration, of the said 60 perches of rails, 30 perches of wall, 380 feet of ditch and fence, 10 gates, 3 stiles and 15 trees, and that you restore those damages to the said Francis, and how you shall have executed this our command certify to us, from the day of Easter in 15 days, wheresoever we shall then be in England, under your seal and the seals of those by whose oath you shall take the said inquisition, then returning to us this our writ. Witness F. Pemberton, kt. at Westminster, the 13th day of February, in the 34th year of our reign.

P. 340.

Afry.

Pledges to prosecute John Doe and Richard Roe, the issues of the lands of the inhabitants of Bitton, Hannam and Odland, the vills next to the within written hedges, 40s. severally; the residue of the execution of this writ appears in a certain inquisition to this writ annexed.

Return of the writ.
Issues returned upon the next vill.

W. W. esquire, sheriff.

Gloucester, } AN inquisition indented, taken at the castle to wit. } A of Gloucester, in the county of Gloucester, on the 27th day of April, in the 34th year of the reign of our lord Charles the 2d, the now king of England, &c. before me W. W. esquire, sheriff of the said county, by virtue of the writ of the lord the king, to me directed, and to this inquisition annexed, by the oath of H. L. &c. good and lawful men of the said county, who say upon their oath aforesaid, that the said F. C. esquire, in the said writ named, hath sustained damages by occasion of the prostration of 60 perches of rails, 30 perches of wall, 380 feet of ditch and fence, 10 gates, 3 stiles and 25 trees in the said writ mentioned, to the value of 36l. 13s. in testimony whereof as well I the said sheriff as the said jurors have set our seals to this inquisition the day and year aforesaid.

Inquisition.

Damages found 36l 13s.

And now to wit, on the Tuesday next after fifteen days of the Holy Trinity, in this same term before the lord the king at Westminster come J. Liddiard, John Harding and William three inha-

Plea to the distringas by three inha-

Fox,

bitants of
the vills,
who appear
& entitle
themselves
to common
in the places
where, &c.
by prescrip-
tion.

Fox, men, inhabitants in the vills of Bitton, Hannam and Odlands by Robert Seyliard their attorney, and having heard the several writs and inquisitions aforesaid, say that they by reason of the writs and inquisitions aforesaid, by the said lord the king ought not to be disquieted or troubled, because they say, that the place in which the prostration and cutting down in the first inquisition mentioned, are supposed to be done at the said times, in which the said prostration and cutting down were committed, did contain, and as yet doth contain 100 acres of pasture, in West-hannam aforesaid, called or known by the name of Hannam's heath, otherwise Hannam's common, and that before the times, and also at the times of the prostration and cutting down aforesaid, the said J. Liddiard, J. Harding and W. Fox, and divers other persons were tenants of one John Newton, baronet, and of divers tenements, parcel of his manors of Bitton, Hannam and Odlands, in the county of Gloucester, * which John Newton, then was and yet is seized of, and in the said manors in his demesne as of fee, and that the said John Newton, and all those whose estate he then had, and now has, of and in the manors aforesaid, before the said times in which, &c. and at the said times in which, &c. hath and have had, and also hath and have been accustomed to have, from the time whereof the memory of man is not to the contrary, for themselves, and for their tenants, of the several tenements, parcel of their manors aforesaid, common of pasture for all their commonable cattle, and for all the commonable cattle of their tenants, levant and couchant upon the said manors, and the several tenements, parcel of the said manors, of and in the said place in which, &c. called Hannam's heath, or Hannam's common, at all times of the year as appendant and appurtenant to the manors aforesaid; and the said inhabitants further say, that afterwards and before the time of the prostration and cutting down aforesaid, to wit, on the 1st day of November, in the 31st year of the reign of the lord Charles the 2d, the now king, &c. the said F. C. in the said writs named, did inclose a great part of the place in which, &c. with the hedges, ditches, fences, rails, walls, files and gates, in the said inquisition mentioned, whereby the said J. Lyddiard, J. Harding and W. Fox, and the other tenants of the said John Newton, of his manors aforesaid, from having their common aforesaid, within the said place in which, &c. so inclosed were excluded, whereupon the said

*P. 341.

That the
plaintiff en-
closed these
places, so
that they
could not
have their
common.

And because
plaintiff
would not
open the in-
closure, they
in the day

There seems to be an inaccuracy in these pleadings, as here the defendants plead for themselves, and afterwards demur on behalf of the inhabitants of the vills, and if it be said that the pleadings should be so translated as to make the inhabitants of the vills parties to this plea, then they should have demurred jointly with the defendants, and the defendants should not have demurred for them. besides it is apprehended that the original text would not warrant such translation.

said John, John and William, afterwards to wit, on the said day and year last mentioned, at Westhannam afore-
 said, gave notice to the said Francis, that he should open the said inclosure, and that if he would not do it, that they would open the said inclosure, to have their said common there, and because the said Francis, after such notice did not open the said inclosure, they the said John, John and William, and divers men, labourers, at their command and at the command of the said John Newton, to the number only of eight persons, afterwards, to wit, on the 1st day of February, in the 32d year of the reign of our lord Charles the 2d, &c. and at the said other days and times in the said inquisition mentioned, peaceably, openly and publicly and in the day time and before the setting of the sun of the said days, one perch of rails, six feet of ditch and fence, two gates and one stile of the said inclosure at West-hannam afore-
 said, in the said place, in which afore-
 said, raised and erected, did prostrate, and two trees did cut down, which was necessary for them to cut down and prostrate, to open their way to have their said common there, as it was lawful for them to do, without this that any malefactors at any of the times in the said inquisitions mentioned, sixty perches of rails, thirty perches of wall, three hundred and 80 feet of ditch and fence, ten gates and three stiles of him the said Francis Creswick, at Westhannam afore-
 said, lately raised in the nights of the said days in the said inquisition mentioned, or at any time in which they believed their deeds could not be known did prostrate, and also fifteen trees of the said Francis Creswick, then did cut down in the manner and form as in the said first inquisition afore-
 said, is contained, and this the said inhabitants are ready to verify, &c. wherefore they pray judgment if the said lord the king will any further trouble the said inhabitants thereon, and that they from any further prosecution upon * the said writs and the said inquisitions thereon by the court of the said lord the king, here may be dismissed, &c.

time threw
them down.

and traverse
their doing
it in the
night.

*P. 342.

W. Pawlett.

And the said Francis Creswick, who as well for the lord the king as for himself, in this behalf prosecutes, saith, that the said men, inhabitants in the vills of Biton, Hannam and Odlands, by any thing by them above by pleading alledged ought not to be discharged from raising the hedges, ditches, fences, walls, gates, or stiles afore-
 said, so as afore-
 said prostrated, at their own proper costs, or from yielding and paying to the said Francis Creswick his damages, by occasion of the prostration of the rails, walls, ditches, fences, gates, and stiles afore-
 said, and of the cutting down of the said trees, by the said inquisition found, or to answer to the said lord the king, for the breach of the peace of the said lord the king, because protesting that the said plea of the said inhabitants

Plaintiff re-
 plies that
 the place
 where, &c.
 is his free-
 hold, and
 traverses the
 right of
 common.

of

of the vills of Bitton, Hannam, and Odlands, and the matter in the same contained, are not sufficient in law to discharge or acquit them, from raising the hedges, ditches, fences, walls, gates, and stiles aforesaid, or from yielding or paying to the said Francis his damages aforesaid, or from answering to the said lord the king of and upon the premises, for plea saith, that the said place called Hannam-Heath, otherwise Hannam's-common is, and at the said time in which the said trespass is supposed to be done, was within the parish of Bitton aforesaid, in the said county, and the several soil and freehold of him the said Francis Creswick, esq; without this, that the said J. Newton, and all those whose estate at the said times in which, &c. he had and now has, of and in the said manors with their appurtenances, from the time whereof the memory of man is not to the contrary, have had and have been accustomed to have, for themselves, and their tenants of the several tenements, parcel of the said manors, common of pasture, for all their commonable cattle, and the commonable cattle of their tenants, levant and couchant, upon the said manors, and the several tenements, parcel of the said manors of and in the said place in which, &c. at all times of the year, as appendant and appurtenant to the said manors, and this he is ready to verify, wherefore he prays judgment, and that the said men, inhabitants in the said vills of Bitton, Hannam, and Odlands, may not be discharged from raising, paying and answering in the form aforesaid.

John Powell.

Demurrer.

P. 343.

Causes of
demurrer.

And the said J. Liddiard, J. Harding, and W. Fox, for and on behalf of the said inhabitants say, that they by any thing, by the said lord the king above, by replying alledged, ought not to be compelled to raise and erect the hedges, ditches, fences, walls, gates, and stiles aforesaid; or to pay to the said Francis Creswick any damages, costs and charges, for the occasion aforesaid, * because they say that the replication aforesaid, in the form aforesaid, above pleaded, and the matter in the same contained, are not sufficient in law, to compel them to answer to the said lord the king thereupon, to which replication in the manner and form aforesaid pleaded, they the said John, Jun. and Wm. have no necessity, neither are they bound by the law of the land in any manner to answer, and this they are ready to verify; wherefore for want of a sufficient replication in this behalf, they the said John, John and William pray judgment of the inquisition aforesaid, and that they and the said inhabitants may go thereof quit; and for cause of their demurrer in law, they shew the following cause, to wit, that the said lord the king hath not joined issue upon the traverse tendered, but has tendered another issue, which is immaterial, in respect to the writ and inquisition aforesaid; because

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because if the said prostrations were not done in the night, or at some time so secretly, that the actors of the deed believed that their deeds could not be known, such trespassers are punishable by indictment, or action of trespass at the common law, but neither they nor the neighbouring vills in that case are punishable, by such writs and inquisitions in the country by the statute, upon which the said writs are grounded. And if the said prostrations were committed by night, or in the day time secretly, by those who had the right of prostration, it is probable that they would be punishable by the said statute.

W. Poulton.

And the said Francis Creswick, who as well, &c. because that he above by replying hath alledged sufficient matter in the law to compel the said men inhabitants in the vills aforesaid, of Bitton, Hannam and Odlands, to raise at their own proper cost the hedges, ditches, fences, walls, gates and stiles aforesaid so as aforesaid, prostrated, and to yield and pay to the said F. Creswick, his damages by occasion of the prostration of the rails, walls, ditches, fences, gates and stiles aforesaid, and of the cutting down of the trees aforesaid, by the inquisition aforesaid found, and to answer to the said lord the king, of and for the breach of the peace of the said lord the king, which he is ready to verify, which matter the said men inhabitants in the said vills of Bitton, Hannam and Odlands have not denied, nor to the same in any manner have answered, but altogether refuse to admit the said averment as before prays judgment, and that the said men inhabitants in the said vills of Bitton, Hannam and Odlands, may be charged to raise, pay and answer in the form aforesaid, &c. &c.

*Leader in
deniurer.*

* The King and lord Matravers, and others *P.344.

against the Inhabitants of Darking.

Surry, } THE lord the king, hath sent to the sheriff of *Wilt* to the
To wit. } the county aforesaid, his writ close in these *sherrif* to
words to wit, Charles by the grace of God, &c. to the sheriff *distrain* the
of Surry greeting. Whereas lately by our writ issuing out *adjacent*
of our court of Chancery, we commanded you by the oath of *vills.*
good and lawful men of your county, by whom the truth of
3 H the

Proceedings upon the Statute of West. 2d. C. 46.

Recital of
the writ of
enquiry.

the matter might be the better known, diligently to enquire what malefactors and disturbers of our peace, at Darking in your court with force and arms, the hedges and ditches of Henry lord Matravers and Ambrose Brown, baronet, there by them lately raised, in the night or at such time as they believed their deeds could not be known, had prostrated, and other wrongs to them had done to the great damage of the said Henry and Ambrose, and against the peace, and if the said Henry and Ambrose should give you security to prosecute their complaint then that you should put by gages and safe pledges all those whom you should find guilty thereof, that they should be before us on the octave of St. Michael last past, wheresoever we should then be in England, as well to answer to us of the breach of our peace, as to the said Henry and Ambrose, of the trespasses aforesaid, and you at that day returned to us, that

Recital of
the inquisition.

by a certain inquisition indented, taken before you by virtue of the said writ at Darking in the county aforesaid, on Wednesday, the 21st day of August, in the 15th year of our reign, it is found by the oath of twelve jurors good and lawful men of your county, that certain malefactors and disturbers of our peace, on the 27th day of May, in the 15th year of our reign aforesaid, at D. aforesaid, in the said county, with force and arms, 260 perches of hedges, and 260 perches of ditches of the said H. lord Matravers, and of Ambrose B. baronet, then lately before that time by them raised in the night or at such time as they believed that their deeds could not be known, had prostrated against our peace, but who had prostrated the hedges and ditches aforesaid, the said jurors were entirely ignorant, as by inspection of the writ aforesaid, and inquisition aforesaid, by you, by virtue of the writ aforesaid, returned before us and there now remaining of record manifestly appears to us, we command you that you do not omit

Command
of this writ.

by reason of any liberty with your bailiwick, but that you distrain the vills next adjacent to the hedges and ditches aforesaid, at their own proper costs to raise the hedges and ditches, aforesaid prostrated, we also command you that by the oath of good and lawful men, in your county, by whom the truth of the matter may be the better known, diligently to enquire what damages the said H. lord M. and A. B. baronet, have sustained by occasion of the prostration aforesaid, of the said 260 perches of hedges, and of the said 260 perches of ditches and that you restore those damages to the said H. lord M. and A. B. baronet, and how you shall have executed this our command, certify to us on the octave of St. Hilary, wheresoever we shall then be in England, under your seal and the seals of those by whose oath you shall take the inquisition aforesaid, then returning to us this our writ. Witness J. Brampston

Proceedings upon the statute of West. 2d. C. 46.

ton at Westminster, the 25th day of October, in the 15th year of our reign.

* Mainpernors of the several inhabitants of Darking and Capell, being the vills next adjacent to the within written, hedges and ditches, John Roe and Richard Roe, issues of the inhabitants of Darking, 6*l.* 13*s.* 4*d.* issues of the inhabitants of Capell, 6*l.* 6*s.* 8*d.* and further, I certify to the within written lord the king, that that writ was delivered to me so late that because of the shortness of the time I cannot restore the damages, in the inquisition, to this writ annexed mentioned, to the within named H. lord M. and A. B. baronet. The residue of the execution of this writ appears in the inquisition aforesaid, John Gresham, knight, sheriff, that writ as above indorsed was delivered to me by indenture, between me and the said late sheriff on his departure from his office, John Howland, esquire, sheriff. Surrey to wit, inquisition indented, taken at Southwark, in the said county, on the 25th day of November, in the 15th year of the reign of our lord Charles, now king of England, &c. before me John Gresham, knight, sheriff of the said county, by virtue of the writ of the lord the king, to me directed and to this inquisition annexed it is found by the oath of J. L. T. G, &c. good and lawful men of the said county, who say upon their oath that H. lord M. and A. B. baronet, in the writ to this inquisition annexed named, have sustained damage by the occasion in the said writ specified to 26*l.* 6*s.* 8*d.* in witness whereof as well, I the said sheriff as the jurors aforesaid, have severally put our seals to this inquisition, on the day and year aforesaid; John Gresham, knight, sheriff. Afterwards to wit, on the Wednesday next after 15 days of Easter, in this same term before the lord the king, at Westminster, the sheriff was commanded as often times, &c. that he do not omit, &c. but that he distrain the several inhabitants of D. and C. aforesaid, being the vills next adjacent to the hedges and ditches aforesaid, to raise at their own proper cost, the said hedges and ditches, prostrated, also the sheriff was commanded that he do not omit, &c. but that of the goods and chattels of the several inhabitants of D. and C. he cause to be made the said 26*l.* 6*s.* 8*d.* in the said inquisition specified, and that he have that money before the lord the king, on the morrow of the Holy Trinity, wheresoever, &c. to restore it to the said H. lord M. and A. B. baronet. At which morrow of the Holy Trinity, before the lord the king, at Westminster, John Howland, esquire, sheriff hath returned, mainpernors of the several inhabitants of D. and C. aforesaid, John Doe and Richard Roe, the issues of the said inhabitants of Darking, 1*0l.* the issues of the said inhabitants of C. 5*l.* and also that he hath taken into his hands

* P. 345.

Issues re
turned upon
2 vills.

Tarde.

Pluries dis-
tringus a-
gainst the
vills and 2
scire facias,
as to the
damages.

More issues
returned upon
the vills,

And a seizure of goods to the value of the damages which remain unsold.

Two inhabitants and freeholders, and also 2 copyholders of the manor of D. appear in the name of all the rest of the in-

* P. 346. habitants freeholders and copyholders, and for the freeholders prescribe; and entitle the copyholders by custom to have common of pasture in the waste of the manor.

hands goods and chattels of the inhabitants of D. and C. to the value of 2*l.* 6*s.* 8*d.* which goods and chattels remain in his hands unsold for the want of buyers, so that he could not have the said 2*l.* 6*s.* 8*d.* before the said lord the king, on the day aforesaid, to restore to the said H. lord M. and A. B. baronet, as to him above was commanded. And on the said morrow of the Hely Trinity, before the lord the king at Westminster, come as well John Keeling, esquire, who prosecutes, &c. as Jasper Goodwin and H. S. two inhabitants and freeholders of the manor of D. aforesaid, in the name of all and singular the inhabitants and freeholders of the said manor, and the said Jasper Goodwin and William Arnold, two inhabitants and customary tenants by copy of court roll of the said manor, in the name of all and singular the customary tenants of the said manor by John Redwood their attorney, and having having had oyer of the inquisition * and the several writs of distringas aforesaid, say that they do not apprehend that the said lord the now king will or ought any further impeach or trouble the inhabitants, and freeholders and customary tenants or any of them for occasion of the premises, because they say that long before the time of the taking of the inquisition aforesaid, to wit, on the 27th day of May, in the 15th year of the reign of the said lord the now king, H. lord M. and A. B. baronet, were seized of the manner of Daring with the appurtenances, in the county of Surrey aforesaid, whereof a certain waste or common called Homewood-common lately containing 1000 acres of pasture with the appurtenances in D. aforesaid, is, and at the said time of the taking of the said inquisition, and also from the time whereof the memory of man is not to the contrary, was and as yet is parcel, in their demesne as of fee, and that within the said manor aforesaid, there then and as yet are as well forty freeholders who then were and as yet, are seized to them and to their heirs in their demesne as of fee, of divers messuages and freeholds with the appurtenances within the manor, and held of the said manor aforesaid, as sixty customary tenants who then were and as yet are seized to them and to their heirs by copy of the rolls, of the court of the manor aforesaid, at the will of the lord or lords of the manor aforesaid, according to the custom of the manor aforesaid, of divers customary, messuages and tenements with the appurtenances within the said manor, and held of the said manor, and parcel of the said manor, and that all and singular the men, tenants of the messuages and freeholds aforesaid, with the appurtenances for the time being, and all those whose estates, the said freeholders now have, and also at the said time in which, &c. had in the said freeholds, messuages, and tenements with the appurtenances

purtenances from the time whereof, the memory of man is not to the contrary have had and have been accustomed to have common of pasture in the said waste or common for all their commonable cattle (sheep only excepted) upon their freeholds aforesaid, respectively levant and couchant every year and at all times of the year, as to their freeholds aforesaid, with the appurtenances, appurtenant, and that within the manor aforesaid, there is, had, and also from the time whereof the memory of man is not to the contrary, was had, and there was, and is a certain custom, to wit, that all and singular the men, customary tenants of the customary tenements aforesaid, with the appurtenances for the time being have had and have been accustomed to have common of pasture in the said waste or common for all their commonable cattle (sheep only excepted) upon the customary tenements aforesaid, respectively levant and couchant every year and at all times of the year, as appurtenant to their customary tenements aforesaid; and because the said H. lord M. and A. B. baronet, before the said time of the taking of the inquisition aforesaid, to wit, on the said 27th day of May, in the 15th year aforesaid, 200 acres, parcel of the said one thousand acres of pasture in Darking aforesaid, had inclosed with hedges and ditches, not leaving sufficient common of pasture for the tenants and inhabitants aforesaid, to their freeholds and customary tenements aforesaid, respectively appurtenant they the said Jasper and Henry, then being freeholders of the manor aforesaid, to them and to their heirs of and in eight free messuages or freeholds and 300 acres of land and pasture, with the appurtenances lying within the manor aforesaid, and the said Jasper and William, then being customary tenants to them and their heirs by * copy of the rolls of the court of the manor aforesaid, at the will of the lord or lords of the manor aforesaid, according to the custom of the said manor of and in five customary messuages, and 130 acres of customary land with the appurtenances within the manor, and held of the manor aforesaid, and parcel of the said manor; in their own proper right, and in the name of all and singular the freehold and customary tenants, aforesaid, as well for the maintenance of their right and title to the said common of pasture in the said 200 acres of pasture so as aforesaid inclosed, as for the free use and enjoyment of the said common to be had and perceived by them respectively with their cattle aforesaid, upon their freehold tenements and customary tenements aforesaid, respectively levant and couchant, on the said 27th day of May, in the 15th year aforesaid, in the inquisition aforesaid, specified, at Darking aforesaid, in the county of Surrey aforesaid, 260 perches of hedges, and 260 perches of ditches, by the said H. lord M. and A. B. there then erected, and constructed and inclosing the said 200 acres of pasture in the form aforesaid,

That the plaintiffs inclosed part of the waste and did not leave sufficient common, wherefore the defendants justify the prostration.

*P. 347.

imparlance
to reply.

aforesaid, did prostrate as it was lawful for them to do, and this they are ready to verify as the court, &c. wherefore they pray judgment, and that they of the issues in the premises by the court here may be dismissed, &c. &c.

And the said John Keeling, who prosecutes, &c. having heard the plea aforesaid, for the said lord the king, prays day to imparl thereto, unto the octave of St. Michael, and it is granted to him, before the said lord the king, wherefore, &c. the same day is given as well to the said John Keeling, who prosecutes, &c. as to the said Jasper Goodwin and Henry Stone, in the name of all and singular the inhabitants and freeholders of the manor aforesaid, and to the said Jasper Goodwin and William Arnold, in the name of all and singular the customary tenants of the manor aforesaid; at which octave of St. Michael, before the lord the king, at Westminster, come as well the said John Keeling, who prosecutes, as the said Jasper Goodwin and Henry Stone, in the name of all and singular the freeholders of the manor aforesaid, and the said Jasper Goodwin and William Arnold, in the name of all and singular the customary tenants of the manor aforesaid, by their attorney aforesaid, and the said John Keeling, who prosecutes, &c. having heard the said plea, by the said Jasper Goodwin and Henry Stone, in the name of all and singular the inhabitants and freeholders of the manor of Darking aforesaid, and by the said Jasper Goodwin and William Arnold, in the name of all and singular the customary tenants of the manor aforesaid, above in the form aforesaid pleaded, saith, that the said lord the now king, by any thing, by them the said Jasper Goodwin and Henry Stone, and William Arnold above pleaded, ought not to be precluded from having the writ of Venditioni exponas, to the sheriff of the county of Surrey directed, to sell the goods and chattels remaining in his hands unsold, for want of buyers, and from having the writ of distringas, to distrain the several inhabitants of Darking and Capell aforesaid, to raise at their own proper cost, the hedges and ditches aforesaid, because he saith, that the plea aforesaid, by them above in the form aforesaid pleaded, and the matter in the same contained, are not sufficient in law, to which he hath no necessity, neither is he bound by the law of the land, in any manner to answer, wherefore for want of a sufficient plea in this behalf, he prays judgment, and that the writ of Venditioni exponas may be made, directed to the sheriff of Surrey aforesaid, to sell the goods and chattels aforesaid, remaining in the hands of the sheriff aforesaid, unsold, for want of buyers, and that the writ of distringas may be made, to distrain the several inhabitants of Darking and Capell aforesaid, to raise at their own proper cost, the hedges and * ditches aforesaid. And the said Jasper Goodwin of

Demurrer
to the plea.

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and Henry Stone, in the name of all and singular the inhabitants and freeholders of the manor of D. aforesaid. And the said Jasper Goodwin and William Arnold, in the name of all and singular the customary tenants of the manor aforesaid, say, that the plea aforesaid, by them in the form aforesaid above pleaded, and the matter in the same contained, are good and sufficient in law, to preclude the said lord the king from the writ of Venditioni exponas, directed to the sheriff of Surrey, to sell the goods and chattels aforesaid, remaining in his hands unsold, for want of buyers, and from the writ of distringas, to distrain the several inhabitants of Darking and Capell aforesaid, to raise at their own proper cost, the hedges and ditches aforesaid, wherefore, because that the said attorney of the said lord the king hath not answered to the said plea, nor it in any manner hath denied, but altogether refuses to admit the said averment, they pray judgment, and that the said inhabitants of Darking and Capell may be dismissed by the court here, &c. and because the court of the lord the king here, is not yet advised to give their judgment of and upon the premises, day is given thereupon, as well to the said John Keeling, who prosecutes, &c. as to the said Jasper Goodwin and Henry Stone, in the name of all and singular the freeholders of the manor aforesaid, and to the said Jasper Goodwin and William Arnold, in the name of all and singular the customary tenants of the manor aforesaid, unto the octave of St. Hilary, before the lord the king, wheresoever, &c. to hear their judgment thereupon, because that the court here, not as yet, &c. &c.

Joinder in
demurrer.

Curia non-
dum advise-
tur.

The King against the Inhabitants of East Grinstead.

Charles the 2d, **T**O the sheriff of Suffex, greeting. Where-
as lately by our writ issuing out of our court of Chancery, we commanded the late sheriff of your county, by the oath of good and lawful men of your county, by whom the truth of the matter might be the better known, diligently to enquire what malefactors and disturbers of our peace, at the forest or chase of Ashdown, otherwise Lancaster great park, in your county, the hedges and ditches of

Distringas
against the
adjacent vills
to repair the
fences.

Recital of
the writ of
enquiry.

Edward

Edward Andrews, esquire, there lately by him raised, in the night, or at such time as they believed their deeds could not be known, had prostrated and other wrongs to the said Edward Andrews had done, to the great damage of the said Edward, and against our peace, and that he should put, by gages and safe pledges, all those whom he should find guilty thereof, that they should be before us on a certain day now past, wheresoever we should then be, in England, to answer as well to us, of the breach of our peace, as to the said Edward Andrews, of the trespasses aforesaid; and our said late sheriff of our county of Sussex, to wit, William Spence, esquire, at that day returned to us, that by a certain inquisition, taken before him, by virtue of the said writ, at Lewes, in the county of Sussex aforesaid, on the 27th day of March, in the 17th year of our reign, by the oath of twelve jurors, good and lawful men of the said county, it is found that certain malefactors and disturbers of our peace, on the 1st day of March, in the 16th year of our reign, and at divers other days and times, as well before as after, before the issuing of the said writ, at the forest or chase of Ashdown, otherwise Lancaster great park, in your county, with force and arms, 1690 perches of hedges and ditches, by the said Edward Andrews, there late before that time by him raised, in the night, or at such time that they believed their deeds could not be * known, had prostrated against our peace, but who had prostrated the hedges and ditches aforesaid, the said jurors were entirely ignorant of, as by inspection of the said writ and of the said inquisition by the said sheriff taken, by virtue of the said writ, and returned before us, and there now remaining of record manifestly appears; and whereas also thereupon, by our writ issuing out of our court before us, we commanded the late sheriff of your county, that he should not omit, by reason of any liberty within his bailiwick, but that he should distrain the vills next adjacent to the said hedges and ditches, to raise the hedges and ditches aforesaid, at their own proper cost, and whereas thereupon, by our said writ, we command the late sheriff, by the oath of good and lawful men of your county, by whom the truth of the matter might be the better known, diligently to enquire what damages the said Edward Andrews had sustained, by occasion of the prostration of the said 1690 perches of hedges and ditches, and that he should restore those damages to the said E. A. and that he should certify to us, how he should have executed our said command, at a certain day now past, wheresoever we should then be, in England, under his seal and the seals of those by whose oath he should take the said inquisition, then returning to us the said writ; and the said late sheriff

at

Recital of
the inquisition
thereon

*P. 349.

Recital of a
former dis-
tringas and
writ of en-
quiry of da-
mages.

Proceedings upon the statute of West. 2d. C. 46.

of our county of Suffex, to wit, Walter Devell, esquire, at that day returned to us, that the inhabitants of Eastgrinstead, Hartfield, Buxfield, Marisfield, Fletching, Horsted Haynes and Westhoadly, are the villis next adjacent to the said hedges and ditches, and that by a certain inquisition taken before him, by virtue of the said writ last mentioned at Horsham in the said county, on the 8th day of April, in the 22d year of our reign, by the oath of twelve jurors good and lawful men of the county aforesaid, it is found that the said E. A. hath sustained damages by occasion of the premites to 1600*l.* ^{1600*l.* damages found}

And whereas also on the Friday, next after the morrow of the Holy Trinity, before us at Westminster, came G. B. and E. W. two inhabitants of Eastgrinstead aforesaid, R. F. and T. K. two inhabitants of the vill of Hartfield aforesaid, J. A. and W. C. two inhabitants of the vill of Buxfield aforesaid, J. K. and W. P. two inhabitants of the vill of Marisfield aforesaid, J. S. and W. J. two inhabitants of the vill of Fletching aforesaid, W. J. and W. S. two inhabitants of the vill of Horsted Haynes aforesaid, and J. R. and T. C. two inhabitants of the vill of Westhoadly, in the name of all the inhabitants of all the said several villis by John Godden their attorney, and having had oyer of the writs and inquisitions aforesaid, said that the said E. A. did not sustain damages by occasion of the prostration of the hedges and ditches aforesaid, to 1600*l.* or to one penny thereof, as by the said inquisition is above found, and of this they did put themselves upon the country. And Thomas Fanshaw, knight, our coroner and attorney, in our court before us, who for us in that behalf prosecuted, and the said E. Andrews, for himself did the like, &c. which issue so as aforesaid joined, afterwards, to wit, on the Thursday next after the morrow of St. Martin, last past, in our court before us, by a jury of the country, was tried, and by the said jury it was found, that the said E. A. sustained damages by occasion of the premises, to 100*l.* as by the record in our court before us, remaining fully appears, and now on behalf of the said E. Andrews, it is shewn to us, that the hedges and ditches prostrated as aforesaid, are not as yet raised, therefore we command you, that you do not omit by reason of any liberty within your bailiwick, but that you distrain the inhabitants of the several villis of Eastgrinstead, Hartfield, Buxfield, Marisfield, Fletching, Horsted Haynes and Westhoadly, being the villis next adjacent to the said hedges and ditches, by all their lands and chattels in your bailiwick, so that neither they nor any one for them, do intermeddle therewith, until that you have other command from us thereupon, and that you answer to us for the issues of the same, so that they well and sufficiently raise at their own proper cost, the hedges

*1600*l.* damages found*

Recital that 2 inhabitants of each vill in the name of all the inhabitants appear and traverse the damages found in th inquisition.

The case of the king against the inhabitants of the vill of Upwood, &c. 1 Sil. 212. mentioned in Lutwiche, 156 seems to warrant this plea.

**P. 350. Trial at bar.*

*Verdict for 100*l.* damages.*

Command of this writ

Proceedings upon the statute of West. 2d. C. 46.

and ditches prostrated as aforesaid. if before that time they have not been be raised by them, and how you shall have executed this our command certify to us, from the day of Easter in one month, wheresoever we shall then be, in England, then returning to us this our writ. Witness, T. Twysden, at Westminster, the 10th day of May, in the 23d year of our reign.

By the court

Fanshawe.

This case is reported, 2d Keble, 663 683. 723.

End of Part the First.

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TO

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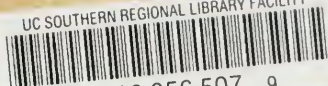
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